

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

REVOLAZE LLC,

Plaintiff,

v.

J. C. PENNEY COMPANY, INC.,  
J. C. PENNEY CORPORATION, INC.,  
and  
J. C. PENNEY PURCHASING  
CORPORATION,

Defendants.

Civil Action No. 2:19-cv-00043-JRG

**JURY TRIAL DEMANDED**

**SECOND AMENDED COMPLAINT**

Plaintiff RevoLaze LLC (“RevoLaze”) files this Complaint for patent infringement under the patent laws of the United States, Title 35 of the United States Code against J. C. Penney Company, Inc., J. C. Penney Corporation, Inc., and J. C. Penney Purchasing Corporation (collectively “JCPenney”) and alleges as follows:

**PARTIES**

1. Plaintiff RevoLaze LLC is a Delaware limited liability company with its principal place of business at 31000 Viking Parkway, Westlake, Ohio 44145. It creates and implements laser scribing processes that improve textile manufacturing for apparel brands in numerous ways, including by reducing cost and environmental impact and by increasing worker safety, throughput, and quality control.

2. Defendant J. C. Penney Company, Inc. is a corporation duly organized and existing under the laws of the state of Delaware, with its principal place of business at 6501

Legacy Drive, Plano, Texas 75024. J. C. Penney Company, Inc.'s registered agent in Texas is: CT Corp. System, located at 1999 Bryan Street, Suite 900, Dallas, Texas 75021. On information and belief, J. C. Penney Company, Inc. can be served with process at that address.

3. Defendant J. C. Penney Corporation, Inc. is a corporation duly organized and existing under the laws of the state of Delaware, with its principal place of business at 6501 Legacy Drive, Plano, Texas 75024. J. C. Penney Corporation, Inc.'s registered agent in Texas is: CT Corp. System, located at 1999 Bryan Street, Suite 900, Dallas, Texas 75021. On information and belief, J. C. Penney Corporation, Inc. can be served with process at that address.

4. Defendant J. C. Penney Purchasing Corporation is a corporation duly organized and existing under the laws of the state of New York, with its principal place of business at 6501 Legacy Drive, Plano, Texas 75024. J. C. Penney Purchasing Corporation's registered agent in Texas is: CT Corp. System, located at 1999 Bryan Street, Suite 900, Dallas, Texas 75021. On information and belief, J. C. Penney Purchasing Corporation can be served with process at that address.

5. JCPenney has at least the following several retail stores in this District: (1) Longview Mall, 3550 Mccann Road, Longview, Texas 75605; (2) Collin Creek Mall, 821 N. Central Expressway, Plano, Texas 75075; (3) Stonebriar Mall, 2607 Preston Road, Frisco, Texas 75034; (4) Village at Fairview, 301 Stacy Road, Fairview, Texas 75069; (5) Vista Ridge Mall, 2401 S. Stemmons Freeway, Suite 4000, Lewisville, Texas 75067; (6) Golden Triangle Mall, 2201 S. Interstate 35 E, Suite D, Denton, Texas 76205; and (7) Sherman Town Center, 610 Graham Drive, Sherman, Texas 75092.

6. JCPenney makes, uses, imports, sells and offers for sale fashionable, differentiated merchandise including only-at-JCPenney brands such as Arizona Jeans Co.

7. JCPenney is a major retailer, operating 872 department stores in 49 states and Puerto Rico as of February 3, 2018 and its website [jcpenny.com](https://www.jcpenny.com).

### **JURISDICTION AND VENUE**

8. This is a civil action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, and more particularly 35 U.S.C. § 271.

9. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

10. Each JCPenney defendant is subject to this Court's general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, Tex. Civ. Prac. & Rem. Code Ann. §§ 17.042, due at least to its substantial business conducted in this District, including: (i) having solicited business in the State of Texas, transacted business within the State of Texas, and attempted to derive financial benefit from residents of the State of Texas in this District, including benefits directly related to the instant patent infringement causes of action set forth herein; (ii) having placed its products and services into the stream of commerce throughout the United States and having been actively engaged in transacting business in Texas and in this District, and (iii) having committed the complained of tortious acts in Texas and in this District.

11. JCPenney, directly and/or through subsidiaries and agents (including manufacturers, distributors, retailers, and others), makes, imports, ships, distributes, offers for sale, sells, uses, and advertises (including offering products and services through its website, <https://www.jcpenny.com>, as well as its stores) its products and/or services in the

United States, the State of Texas (through at least its 82 stores in Texas), and the Eastern District of Texas.

12. JCPenney, directly and/or through its subsidiaries and agents (including manufacturers, distributors, retailers, and others), has purposefully and voluntarily placed one or more of its products manufactured by infringing processes/methods, as described below, into the stream of commerce with the expectation that they will be purchased and used by consumers in the Eastern District of Texas. These products manufactured by infringing processes/methods have been and continue to be purchased and used by consumers in the Eastern District of Texas. JCPenney has committed acts of patent infringement within the State of Texas and, more particularly, within the Eastern District of Texas (including by selling products manufactured by infringing processes/methods at its stores in this District).

13. In addition, Defendant J. C. Penney Company, Inc. is registered to do business in the State of Texas and headquartered in this District in Plano, Texas. Defendant J. C. Penney Corporation, Inc. is registered to do business in the State of Texas and headquartered in this District in Plano, Texas. Defendant J. C. Penney Purchasing Corporation is registered to do business in the State of Texas and headquartered in this District in Plano, Texas. This Court's exercise of personal jurisdiction over JCPenney is consistent with the Texas long-arm statute, Tex. Civ. Prac. & Rem. Code § 17.042, and traditional notions of fair play and substantial justice.

14. JCPenney maintains regular and established places of business within this District at its principal place of business at 6501 Legacy Drive, Plano, TX 75024 and at stores including at the following locations: (1) Longview Mall, 3550 Mccann Road,

Longview, Texas 75605; (2) Collin Creek Mall, 821 N. Central Expressway, Plano, Texas 75075; (3) Stonebriar Mall, 2607 Preston Road, Frisco, Texas 75034; (4) Village at Fairview, 301 Stacy Road, Fairview, Texas 75069; (5) Vista Ridge Mall, 2401 S. Stemmons Freeway, Suite 4000, Lewisville, Texas 75067; (6) Golden Triangle Mall, 2201 S. Interstate 35 E, Suite D, Denton, Texas 76205; and (7) Sherman Town Center, 610 Graham Drive, Sherman, Texas 75092. Upon information and belief, JCPenney employs individuals in this Judicial District involved in the sales and marketing of its products.

15. Venue is proper in this District under 28 U.S.C. §§ 1391 (b) and (c) and 1400(b). JCPenney is subject to personal jurisdiction in this District, has a regular and established place of business in this District, has transacted business in this District, and has committed acts of patent infringement in this District, specifically, offering for sale and selling at its stores in this District products manufactured using infringing methods in violation of 35 U.S.C. § 271(g).

### **BACKGROUND**

16. RevoLaze was established in 2014 as a reorganization of TechnoLines, LLC (“TechnoLines”), which was founded by Darryl Costin, PhD in 1993 to invent, patent, and commercialize laser technologies to scribe patterns and designs on textiles and garments, such as the “worn look” on jeans. Dr. Costin continues to act as RevoLaze’s CEO today.

17. At the time, major technical barriers existed to the use of lasers in production manufacturing of textiles and garments. Dr. Costin used sophisticated mathematical modeling techniques to identify the laser operating parameters and their values to successfully laser etch graphics and patterns on textiles without burning or causing undesired holes in the fabric. RevoLaze focused its efforts on achieving

production speeds while maintaining precision in design and without ruining the textile or garment.

18. Over the ensuing 25 years, RevoLaze (and its member TechnoLines) invested in four facilities in Ohio and one in Minnesota, purchased an array of laser equipment of increasing size, power, and expense, and hired numerous personnel to develop, patent and commercialize the laser scribing technology.

19. RevoLaze initially developed techniques to increase laser scan speed with the use of low watt galvo-driven laser systems. For example, RevoLaze could laser etch a complete global abrasion pattern on the front and back of denim jeans in about 3 minutes.

20. As part of its ongoing efforts, RevoLaze moved on to develop high speed, state-of-the-art laser scribing technology utilizing 500 watt, then 1,000 watt, and finally 2,500 watt galvo-driven high power laser systems. Each increase in power provided potential benefits for speed but posed challenges for control and effectiveness.

21. Today, RevoLaze's techniques make it possible to scribe the identical global denim abrasion pattern described above that took 3 minutes in under 30 seconds.

22. By improving speed and control of laser scribing on textiles, RevoLaze's techniques allow for increased production scale by apparel companies but also provide additional environmental and worker benefits.

23. RevoLaze's laser scribing technology is an alternative to the dangerous and harmful sandblasting process, which was previously widespread in the industry. That process was found to be associated with a disabling and often fatal lung disease called silicosis. Today, numerous garment companies have banned the use of sandblasting in manufacturing their products and have switched to either the labor intensive and

environmentally burdensome hand sanding process or the laser abrasion process invented and patented by TechnoLines.

24. RevoLaze's techniques also provide an alternative to an environmentally-problematic manufacturing technique. Some manufacturers use enzyme washing and printing to give denim a "aged" look. But, this process sometimes uses chemicals that pose environmental problems and consumes about 15 gallons of water per pair of jeans. RevoLaze, however, developed a lazng technique for scribing a graphical pattern into denim textile that can simulate the enzyme wash look and thus serve as an alternative to enzyme washing and allow manufacturers to avoid these environmental problems and reduce water usage, which is a growing concern in the denim industry.

25. Moreover, recently, RevoLaze introduced a new online laser software program called "LightLaze" that reduces laser cycle time, helps maintain fabric strength and applies textures such as enzyme wash, ring-spin, cross hatch and hand sand. LightLaze software also helps to eliminate the hazardous process of using potassium permanganate spray. The software utilizes a nonhazardous laser treatment that replicates the same look as potassium permanganate is used to achieve, but without the negative toxic effects. The new laser treatment process eliminates the traditionally necessary neutralizing step and the need for hand sand touch ups and thus reduces cost significantly.

26. The denim industry has recognized RevoLaze's leading role in developing these innovative and ground-breaking techniques. As of the date of this Complaint, RevoLaze has licensed its patents (including the Patents-in-Suit) to 35 companies, including well-known brands and brand-owners like Abercrombie & Fitch, American Eagle Outfitters, BlankNYC, Buckle, Buffalo International, Cavalli, Diesel, Differential

Brands, Eddie Bauer, Fast Retailing Co., Guess?, Levi Strauss, Lucky Brand Jeans, Mavi, PACSUN, Replay Jeans, Silver Jeans Co., Siwy Denim, and VF Corporation.

27. In addition, RevoLaze is working with both denim brands and manufacturers to help them maximize their laser capabilities. As previously mentioned, RevoLaze has recently introduced to its licensees LightLaze software to reduce a multi-layer laser file to a single layer laser file that increases productivity by 20-40% and helps to eliminate potassium permanganate spray. As of February 2019, more than 110 customers have signed up to use LightLaze.

28. Further, RevoLaze is working with several companies on different projects to improve their manufacturing in a cost effective way by implementing RevoLaze's novel techniques. RevoLaze is currently running trials for several manufacturers and brands.

29. RevoLaze's concepts are eco-friendly and could have major impact on cost savings.

#### **THE PATENTS-IN-SUIT AND CLAIMS-IN-SUIT**

30. RevoLaze is the owner of record and assignee of each of U.S. Patent Nos. 5,990,444; 6,140,602; 6,252,196; 6,664,505; and 6,819,972 (the "Patents-in-Suit").

31. RevoLaze had and has the exclusive right to sue and recover damages for infringement of the Patents-in-Suit during all relevant time periods.

32. On November 23, 1999, U.S. Patent No. 5,990,444 (the "'444 Patent") entitled "Laser Method and System of Scribing Graphics" was duly and legally issued by the United States Patent and Trademark Office ("USPTO").

33. The '444 Patent claims comprise elements and/or combinations of elements that constitute an inventive concept and/or were unconventional, not routine, and not well-



understood by a skilled artisan at the time of the invention in order to overcome the obstacles in laser abrading textiles, for example. The '444 Patent claims include, for example, the following claim elements and/or combinations:

- controlling the energy density per unit time and/or per unit area of the laser;
- controlling the power, speed, and area of the laser;
- controlling the laser such that the laser does not cause undesired carbonization, melting, or burn-through; and/or
- controlling the laser based on some perceived characteristic for each material.

34. The '444 Patent claims' elements and/or combinations of elements overcame, at the time of invention, the problems with using lasers in production manufacturing of materials such as textiles and garments, which were, for example, that the laser would burn or carbonize the material causing holes. By utilizing the '444 Patent claims' elements and/or combinations of elements, production speeds on the laser can be achieved while maintaining precision in design and without ruining the material such as a textile or garment.

35. On October 31, 2000, U.S. Patent No. 6,140,602 (the "'602 Patent") entitled "Marking of Fabrics and Other Materials Using a Laser" was duly and legally issued by the USPTO.

36. The '602 Patent claims comprise elements and/or combinations of elements that constitute an inventive concept and/or were unconventional, not routine, and not well-understood by a skilled artisan at the time of the invention in order to overcome the

obstacles in laser abrading textiles, for example. The '602 Patent claims include, for example, the following claim elements and/or combinations:

- controlling a radiation source (e.g. laser) based on a characteristic of the material;
- controlling the power and speed of the radiation source (e.g. laser)
- controlling the radiation source (e.g. laser) such that the radiation source causes a desired change but not an undesired change;
- storing the pattern to be abraded by the radiation source; and/or
- changing and/or storing operational parameters of the radiation source.

37. The '602 Patent claims' elements and/or combinations of elements overcame, at the time of invention, the problems with using lasers in production manufacturing of materials such as textiles and garments, which were, for example, that the laser would burn or carbonize the material causing holes. By utilizing the '602 Patent claims' elements and/or combinations of elements, production speeds on the laser can be achieved while maintaining precision in design and without ruining the material such as a textile or garment.

38. On June 26, 2001, U.S. Patent No. 6,252,196 (the "196 Patent") entitled "Laser Method of Scribing Graphics" was duly and legally issued by the USPTO.

39. The '196 Patent claims comprise elements and/or combinations of elements that constitute an inventive concept and/or were unconventional, not routine, and not well-understood by a skilled artisan at the time of the invention in order to overcome the obstacles in laser abrading textiles, for example. The '196 Patent claims include, for example, the following claim elements and/or combinations:

- modifying a pattern to change elements that would cause an undesired change;
- controlling a radiation source (e.g. laser) based on the pattern;
- outputting the radiation source (e.g. laser) when the radiation source is moving such that the radiation source does not over-etch an area; and/or
- controlling the radiation source (e.g. laser) energy and/or power.

40. The '196 Patent claims' elements and/or combinations of elements overcame, at the time of invention, the problems with using lasers in production manufacturing of materials such as textiles and garments, which were, for example, that the laser would burn or carbonize the material causing holes. By utilizing the '196 Patent claims' elements and/or combinations of elements, production speeds on the laser can be achieved while maintaining precision in design and without ruining the material such as a textile or garment.

41. On December 16, 2003, U.S. Patent No. 6,664,505 (the "'505 Patent") entitled "Laser Processing of Materials Using Mathematical Tools" was duly and legally issued by the USPTO.

42. The '505 Patent claims comprise elements and/or combinations of elements that constitute an inventive concept and/or were unconventional, not routine, and not well-understood by a skilled artisan at the time of the invention in order to overcome the obstacles in laser abrading textiles, for example. The '505 Patent claims include, for example, the following claim elements and/or combinations:

- Entering parameters into a laser system;
- Forming values based on the parameters; and/or

- using a laser to change the look of a material according to the values.

43. The '505 Patent claims' elements and/or combinations of elements overcame, at the time of invention, the problems with using lasers in production manufacturing of materials such as textiles and garments, which were, for example, that the laser would burn or carbonize the material causing holes. By utilizing the '505 Patent claims' elements and/or combinations of elements, production speeds on the laser can be achieved while maintaining precision in design and without ruining the material such as a textile or garment.

44. On November 16, 2004, U.S. Patent No. 6,819,972 (the "'972 Patent") entitled "Material Surface Processing With a Laser That Has a Scan Modulated Effective Power to Achieve Multiple Worn Looks" was duly and legally issued by the USPTO.

45. The '972 Patent claims comprise elements and/or combinations of elements that constitute an inventive concept and/or were unconventional, not routine, and not well-understood by a skilled artisan at the time of the invention in order to overcome the obstacles in laser abrading textiles, for example. The '972 Patent claims include, for example, the following claim elements and/or combinations:

- storing information and/or a pattern that relates to the effective applied power levels or effective applied energy;
- storing information for effective applied power levels or effective applied energy for scan lines;
- controlling the effective applied power levels or effective applied energy, which depend on energy density per unit time, power level, speed, duty cycle, and/or the size of the laser;

- controlling the effective applied power levels or effective applied energy such that the laser causes no undesirable damage;
- controlling the duty cycle of the laser or size of the laser beam; and/or
- using the laser on a material based on the scan lines and controlled for effective applied power levels or effective applied energy.

46. The '972 Patent claims' elements and/or combinations of elements overcame, at the time of invention, the problems with using lasers in production manufacturing of materials such as textiles and garments, which were, for example, that the laser would burn or carbonize the material causing holes. By utilizing the '972 Patent claims' elements and/or combinations of elements, production speeds on the laser can be achieved while maintaining precision in design and without ruining the material such as a textile or garment.

47. JCPenney has been and now is infringing, directly and by inducement, at least the following claims of the Patents-in-Suit in this District and elsewhere in the United States:

- '444 Patent – claims 1, 2, 3, 8, 11, 12, 21, 33, 34, 46, 69, 70, and 72;
- '602 Patent – claims 99, 120, 123, 124, 141, 142, and 143;
- '196 Patent – claims 5, 11, 13, 14 and 16;
- '505 Patent – claim 1, 49, 50, and 51;
- '972 Patent – claims 1, 2, 4, 5, 6, 11, 12, 16, 17, 18, 56, 57, 58, 59, 61, 63, 64, 72, 77, 78, 83, 84, 85, 86, 87, 92, 93, 94, and 95.

48. All of the Asserted Claims contain claim elements or combinations of elements that were unconventional, not routine, and not well-understood by a skilled artisan at the time of the invention, and, as such, have an inventive concept.

**JCPENNEY'S INFRINGEMENT AND PRODUCTS MANUFACTURED BY  
INFRINGING PROCESSES**

49. JCPenney has been, and now is, directly infringing claims of the Patents-in-Suit under 35 U.S.C. § 271(g) by importing into the United States or offering for sale, selling, and/or using the garments in this District (including those listed below) and elsewhere in the United States that were manufactured by processes/methods claimed in the Patents-in-Suit.

50. JCPenney garments that were manufactured by processes/methods claimed in the Patents-in-Suit include, but are not limited to, at least the following:

- Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico)
- Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh)
- Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico)

**KNOWLEDGE OF JCPENNEY'S INFRINGEMENT AND REVOLAZE'S  
EFFORTS TO ENGAGE IN LICENSING DISCUSSIONS WITH JCPENNEY**

51. In June 2013, representatives of RevoLaze's predecessor, TechnoLines, LP, approached JCPenney.

52. Specifically, on June 11, 2013, Jim Schnorf at Wall Street Strategic Capital, Inc., sent an email to Mike Ullman, then Chairman of JCPenney, introducing JCPenney to

RevoLaze's "patents pertaining to abrading and adding graphics via high speed lasers to denim and many other types of apparel, and textiles in general."

53. Mr. Schnorf's June 11, 2013 email also invited JCPenney to become a strategic partner of RevoLaze's predecessor because a significant portion of JCPenney's revenues are generated from apparel.

54. On June 27, 2013, Ken Mangone, then EVP – Product Development, Design & Sourcing, sent an email to Mr. Schnorf responding Mr. Schnorf's June 11, 2013 email thanking Mr. Schnorf for the email and informing Mr. Schnorf that his assistant would schedule a call with him to discuss.

55. On June 27, 2013, Mr. Schnorf sent an email to Mr. Mangone thanking Mr. Mangone and urging to schedule a call as soon as possible and informing Mr. Mangone that Mr. Schnorf just finished reviewing agreement for a potential investor/licensee and that if JCPenney were to become a partner it would impact those agreements.

56. On July 17, 2013, Mr. Schnorf sent an email to Mr. Mangone following up on JCPenney's interest.

57. On July 18, 2013, Mr. Mangone sent an email to Mr. Schnorf informing Mr. Schnorf that Mike Hannaford (cc'd on the email), "who heads up this area" for Mr. Mangone was traveling and that Mr. Mangone and Mr. Hannaford would discuss when Mr. Hannaford returns and get back to Mr. Schnorf.

58. On July 30, 2013, Mr. Schnorf sent an email to Mr. Mangone (also cc'ing Mr. Hannaford) asking whether JCPenney wanted to pursue the matter further and informing Mr. Mangone that RevoLaze's predecessor had entered discussions with another major retailer.

59. On July 31, 2013, Mr. Hannaford sent an email to Mr. Schnorf informing Mr. Schnorf that JCPenney was not in a position to partner/participate at that time.

60. In September 2015, RevoLaze sent emails to Janet Link, JCPenney's General Counsel and Diane Lettelleir, JCPenney's Senior Managing Counsel.

61. On September 16, 2015, Ms. Lettelleir sent a letter to RevoLaze via first class mail and email notifying RevoLaze that she is handling the matter on behalf of JCPenney and requested further information from RevoLaze.

62. On September 17, 2015, RevoLaze emailed Ms. Lettelleir providing more information concerning RevoLaze's licensing history (including informing JCPenney of a prior ITC enforcement action and that RevoLaze had granted twenty-nine licenses at the time) and the benefit to JCPenney for obtaining a license to RevoLaze's patented technology for JCPenney's denim brands, including Arizona.

63. The September 17, 2015 email also invited JCPenney to visit RevoLaze's facility and see a demonstration of RevoLaze's patented technology and design capabilities.

64. On September 29, 2015, Ms. Lettelleir sent a letter to RevoLaze via first class mail and email again asking for further information from RevoLaze.

65. On October 9, 2015, RevoLaze sent Ms. Lettelleir an email responding to the September 29, 2015 letter, providing an explanation of the benefits of RevoLaze's patented technology to JCPenney, providing a list of RevoLaze's licensees, and again inviting JCPenney to visit RevoLaze's facility.

66. After not receiving a response to the October 9, 2015 email, RevoLaze sent JCPenney a follow up email on November 13, 2015 that informed JCPenney that RevoLaze



had just finalized another license agreement with one of the biggest brands in the world and again invited JCPenney to visit RevoLaze's facility and/or engage in business discussions.

67. On December 9, 2015, RevoLaze sent yet another follow up email to Ms. Lettelleir after still not receiving a response since its October 9, 2015 communication.

68. Then, on January 20, 2016, RevoLaze sent another follow up email to Ms. Lettelleir.

69. On April 11, 2016, Ryan Ripley, RevoLaze's VP of Operations, purchased the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product at the JCPenney store in North Olmsted, Ohio. RevoLaze subsequently had images from a Scanning Electron Microscope ("SEM") taken and had those images analyzed to determine that the product was manufactured using techniques that infringe RevoLaze patents.

70. On June 13, 2016, RevoLaze's counsel sent a letter via email and Federal Express to Ms. Lettelleir.

71. The June 13, 2016 letter notified JCPenney of its infringement of at least the '602, '505, and '972 Patents by JCPenney's Arizona branded products and expressed a willingness by RevoLaze to enter licensing discussions. Thus, since at least as early as June 13, 2016 JCPenney has been aware of its infringement of at least the '602, '505, and '972 Patents and of RevoLaze's willingness to grant a license to those patents.

72. An 80-page claim chart setting forth RevoLaze's contentions of infringement for the '972 Patent was included with the letter.

73. Neither Ms. Lettelleir nor anyone else at or on behalf of JCPenney contacted RevoLaze or its counsel in response to the June 13, 2016 letter from RevoLaze's counsel.

74. RevoLaze's counsel left voicemails for Ms. Lettelleir following up on the June 13, 2016 letter at least on June 21, 2016; July 25, 2016; August 25, 2016; and October 11, 2016.

75. Despite those voicemails, neither Ms. Lettelleir nor anyone else at or on behalf of JCPenney contacted RevoLaze or its counsel in response to the June 13, 2016 letter or the subsequent voicemails from RevoLaze's counsel.

76. RevoLaze's counsel sent emails to Ms. Lettelleir following up on the June 13, 2016 letter at least on July 7, 2016; August 10, 2016; and September 20, 2016.

77. Despite those emails, neither Ms. Lettelleir nor anyone else at or on behalf of JCPenney contacted RevoLaze or its counsel in response to the June 13, 2016 letter or the subsequent emails from RevoLaze's counsel.

78. On December 9, 2016, RevoLaze's counsel sent a follow up letter via email and FedEx to Ms. Lettelleir.

79. That letter explained that RevoLaze believed JCPenney's nonresponsive posture exposes JCPenney to the risk of liability for enhanced damages for JCPenney's continued infringement of RevoLaze's patents, particularly in light of the Supreme Courts precedent in *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 136 S. Ct. 1923, 1928, 195 L. Ed. 2d 278 (2016).

80. The December 9, 2016 letter notified JCPenney that RevoLaze had thirty-one licensees at that time and again invited JCPenney to "engage in amicable licensing discussions."

81. JCPenney never responded to RevoLaze's December 9, 2016 email and letter.

82. On November 30, 2017, RevoLaze's counsel sent Ms. Lettelleir an email informing JCPenney of another licensee to RevoLaze's patents, of the recently filed litigation against JCPenney's competitor, Target Corporation, and again inviting JCPenney to license RevoLaze's technology.

83. The November 30, 2017 email also attached the complaint filed in the case against Target Corporation.

84. JCPenney has never responded to the November 30, 2017 email.

85. On October 23, 2018, in a final effort to engage JCPenney in licensing discussions, RevoLaze's counsel sent Ms. Lettelleir an email notifying JCPenney that RevoLaze has reached a settlement agreement with Target Corporation and again invited JCPenney to contact RevoLaze to open licensing discussions.

86. RevoLaze's counsel and Ms. Lettelleir subsequently exchanged correspondence from October to December and had discussions on November 1, 2018, November 5, 2018, and December 6, 2018.

87. On November 1, 2018, RevoLaze's counsel provided Ms. Lettelleir information identifying the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product that tested positive for pores indicating that lasers were used on the denim fibers.

88. On November 2, 2018, Ryan Ripley, RevoLaze's VP of Operations, purchased the Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh) and Arizona Flex Skinny Extra Slim Fit / Skinny

Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products at the JCPenney store in North Olmsted, Ohio. RevoLaze subsequently had images from a Scanning Electron Microscope (“SEM”) taken and had those images analyzed to determine that those products were manufactured using techniques that infringe RevoLaze patents.

89. On November 21, 2018, RevoLaze’s counsel provided Ms. Lettelleir access to evidence that the recently purchased Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh) and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products were laser treated.

90. This Complaint serves as additional notice to JCPenney of the Patents-in-Suit and the manner in which they are infringed.

91. Despite knowledge of the Patents-in-Suit and knowledge of the manner in which the Patents-in-Suit are infringed as demonstrated in the provided claim chart, JCPenney has continued to infringe the Patents-in-Suit.

**COUNT I: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 1**

92. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

93. Claim 1 of the ’444 Patent provides:

Preamble of Claim 1	A laser method of forming a graphic on a material comprising:
Element A	<p>scribing the material with a laser beam and controlling an energy density per unit time during the scribing, where the energy density per unit time is defined as:</p> $(\text{watts-sec/mm}^3) = \left( \frac{\text{continuous power (watts)}}{(\text{area of spot (mm}^2\text{)})} \right) \left( \frac{1}{\text{speed (mm/sec)}} \right)$ <p>where continuous power is a continuous power output of the laser during the scribing, area of spot is an area of a spot formed by the laser beam on the material when the laser beam is stationary relative to the material, and speed is a speed of the laser beam relative to the material during the scribing, wherein the material is one of a fabric material, a leather material, or a vinyl material, and wherein said energy density per unit time is controlled in a way to prevent undesired carbonization, melting or burn-through.</p>

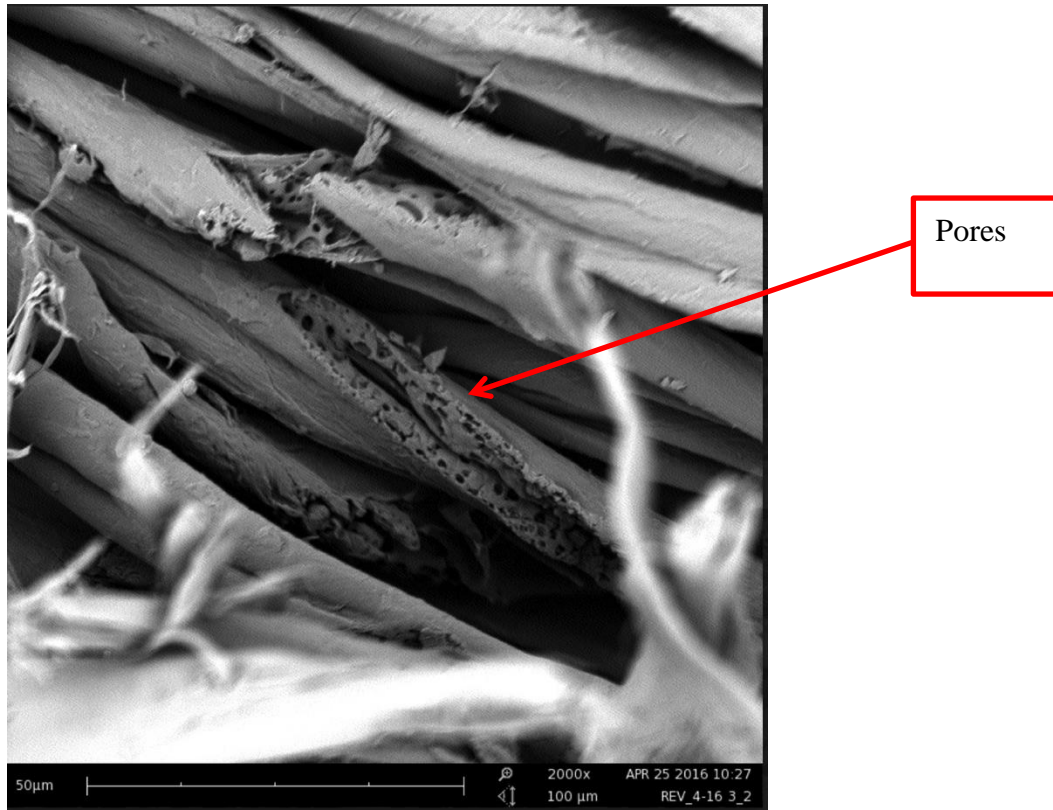
94. JCPenney has infringed every element of claim 1 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

95. The products include labels indicating that they were manufactured outside the U.S.

96. On information and belief, JCPenney imported the products into the U.S.

97. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

98. Analysis of the exemplary product using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garment. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



99. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

100. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



101. On information and belief, the manufacturers of the products scribed the denim fabric material with a laser beam and controlled the energy density per unit time during the scribing, where energy density per unit time is a function related to the continuous power output of the laser during the scribing, the area of a spot formed by the laser beam on the material when the laser beam is stationary relative to the material, and the speed of the laser beam relative to the material during the scribing.

102. On information and belief, the manufacturers of these products controlled the energy density per unit time in a way to prevent undesired carbonization, melting or burn-through.

103. JCPenney has knowledge of the RevoLaze patents and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

104. As a direct and proximate result of JCPenney's direct infringement of the '444 Patent, RevoLaze suffered harm.

**COUNT II: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 2**

105. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 93 through 104 of this Complaint as though set forth fully here.

106. Claim 2 of the '444 Patent provides:

Claim 2	The laser method defined in claim 1 wherein a range of energy density per unit time is determined for scribing a desired graphic on a given material, and the energy density per unit time is controlled to stay within the range.
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107. JCPenney has infringed every element of claim 2 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

108. The products include labels indicating that they were manufactured outside the U.S.

109. On information and belief, JCPenney imported the products into the U.S.

110. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

111. On information and belief, the manufacturers of the products determined a range of energy density per unit time for scribing a desired graphic (such as a “worn” look) on the denim fabric material and controlled the energy density per unit time to stay within the range during scribing.

112. JCPenney has knowledge of the RevoLaze patents and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products



infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

113. As a direct and proximate result of JCPenney's direct infringement of the '444 Patent, RevoLaze suffered harm.

**COUNT III: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 3**

114. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 105 through 113 of this Complaint as though set forth fully here.

115. Claim 3 of the '444 Patent provides:

Claim 3	The laser method defined in claim 2 wherein the material is selected from the group consisting of fabrics, leathers and vinyls.
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116. JCPenney has infringed every element of claim 3 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

117. The products include labels indicating that they were manufactured outside the U.S.

118. On information and belief, JCPenney imported these products into the U.S.

119. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

120. The products were made of denim fabric.

121. JCPenney has knowledge of the RevoLaze patents and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products

infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

122. As a direct and proximate result of JCPenney's direct infringement of the '444 Patent, RevoLaze suffered harm.

**COUNT IV: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 8**

123. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 114 through 122 of this Complaint as though set forth fully here.

124. Claim 8 of the '444 Patent provides:

Claim 8	The laser method defined in claim 3 wherein a sandblasted look is formed on a material selected from the group consisting of denim and khaki, by scribing at an energy density per unit time within a range of from about 0.09 watts-sec/mm <sup>3</sup> to about 8.07 watts-sec/mm <sup>3</sup> .
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125. JCPenney has infringed every element of claim 8 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

126. The products include labels indicating that they were manufactured outside the U.S.

127. On information and belief, JCPenney imported these products into the U.S.

128. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

129. On information and belief, the manufacturers of the products formed a sandblasted look (e.g., “worn” look) on the denim material by scribing at an energy density per unit time within a range of from about 0.09 watts-sec/mm<sup>3</sup> to about 8.07 watts-sec/mm<sup>3</sup>.

130. JCPenney has knowledge of the RevoLaze patents and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

131. As a direct and proximate result of JCPenney’s direct infringement of the ’444 Patent, RevoLaze suffered harm.

#### **COUNT V: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 11**

132. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 114 through 122 of this Complaint as though set forth fully here.

133. Claim 11 of the ’444 Patent provides:

Claim 11	The laser method defined in claim 3 wherein the material is a fabric selected from the group consisting of denim, cotton sheet, polyester, lycra, corduroy, velour, organza, rayon, nylon, acetate, wool, natural and artificial silk, acetate, flax, polyamide, lavsan, half wool, raincoat fabric, elastomer treated nonwoven polyester, woven and nonwoven canvas, and blends thereof.
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134. JCPenney has infringed every element of claim 11 of the ’444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

135. The products include labels indicating that they were manufactured outside the U.S.

136. On information and belief, JCPenney imported these products into the U.S.

137. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

138. The products were made of denim fabric.

139. JCPenney has knowledge of the RevoLaze patents and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

140. As a direct and proximate result of JCPenney's direct infringement of the '444 Patent, RevoLaze suffered harm.

**COUNT VI: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 12**

141. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 132 through 140 of this Complaint as though set forth fully here.

142. Claim 12 of the '444 Patent provides:

Claim 12	The laser method defined in claim 11 wherein the fabric is denim.
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143. JCPenney has infringed every element of claim 12 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

144. The products include labels indicating that they were manufactured outside the U.S.

145. On information and belief, JCPenney imported these products into the U.S.

146. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

147. The products were made of denim fabric.

148. JCPenney has knowledge of the RevoLaze patents and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

149. As a direct and proximate result of JCPenney's direct infringement of the '444 Patent, RevoLaze suffered harm.

**COUNT VII: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 21**

150. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

151. Claim 21 of the '444 Patent provides:

Preamble of Claim 21	A laser method of forming a graphic on a material comprising:
Element A	scribing the material, which is one of a fabric material, a leather material, or a vinyl material, with a laser beam and controlling an energy density per unit time during the scribing by controlling all of continuous power output of the laser during the scribing, area of a spot formed by the laser beam on the material when the laser beam is stationary relative to the material, and speed of the laser beam relative to the material during the scribing in a way that prevents undesired carbonization, melting or burn through of the material.

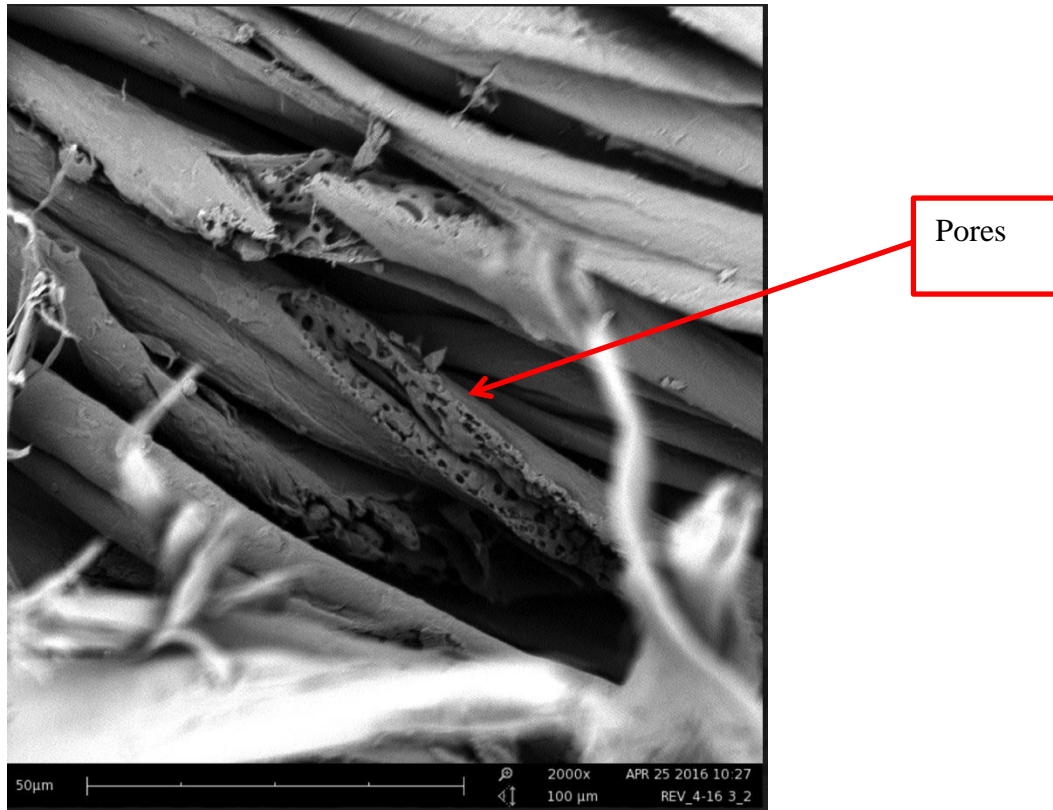
152. JCPenney has infringed every element of claim 21 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

153. The products include labels indicating that they were manufactured outside the U.S.

154. On information and belief, JCPenney imported these products into the U.S.

155. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

156. Analysis of the exemplary product using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garment. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



157. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

158. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



159. On information and belief, the manufacturers of the products scribed the denim fabric material with a laser beam and controlled the energy density per unit time during the scribing by controlling the continuous power output of the laser during the scribing, the area of a spot formed by the laser beam on the material when the laser beam is stationary relative to the material, and the speed of the laser beam relative to the material during the scribing.

160. On information and belief, the manufacturers of the products controlled the energy density per unit time in a way that prevents undesired carbonization, melting or burn through of the material.

161. JCPenney has knowledge of the RevoLaze patents and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

162. As a direct and proximate result of JCPenney's direct infringement of the '444 Patent, RevoLaze suffered harm.



**COUNT VIII: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 33**

163. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

164. Claim 33 of the '444 Patent provides:

Preamble of Claim 33	A method of marking material using a laser, comprising:
Element A	identifying a material which is to be marked, which is one of a fabric, a leather or a vinyl material;
Element B	applying a laser at a specified amount of energy density per unit time and per unit area which avoids undesired carbonization, melting or burn-through, to an area of said material to change some perceivable characteristic of said area of said material.

165. JCPenney has infringed every element of claim 33 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

166. The products include labels indicating that they were manufactured outside the U.S.

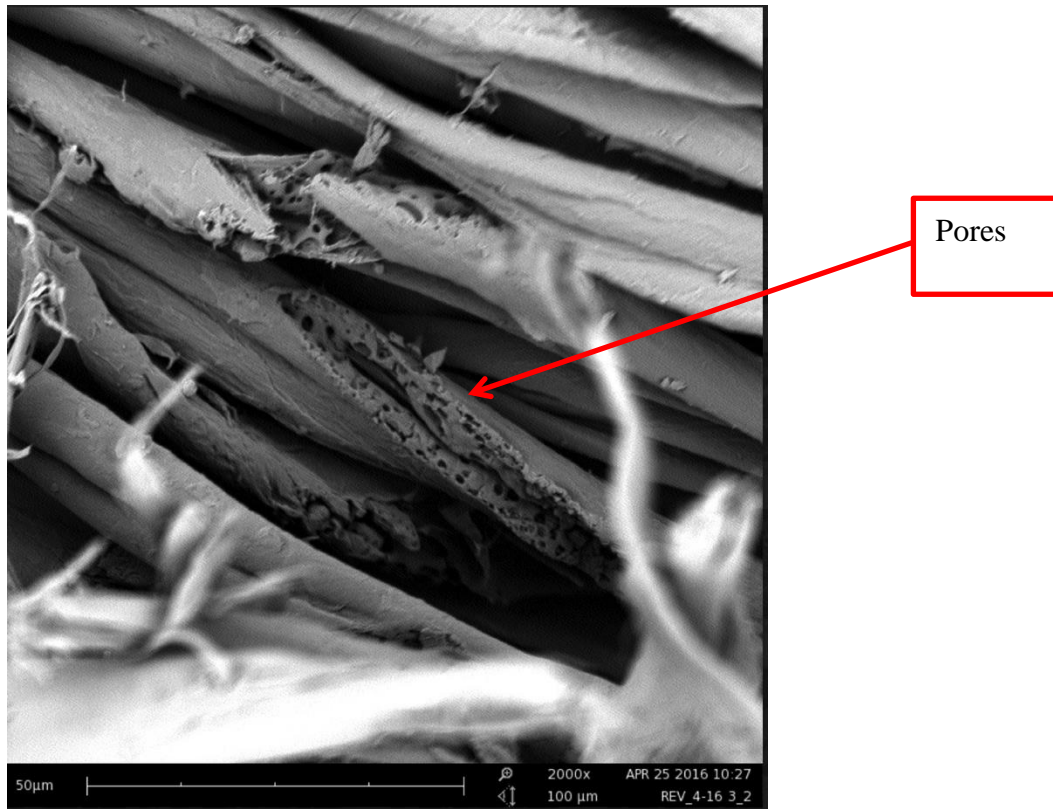
167. On information and belief, JCPenney imported these products into the U.S.

168. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

169. Analysis of the exemplary product using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garment. For example, a SEM image of fibers in the Arizona Basic Flex Skinny

Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405

(Made in Mexico) product shows these pores:



170. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

171. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



172. On information and belief, the manufacturers of the products identified the denim fabric material that was marked.

173. On information and belief, the manufacturers of the products applied a laser at a specified amount of energy density per unit time and per unit area so as to avoid undesired carbonization, melting or burn-through, to an area of the denim fabric material in order to change some perceivable characteristic of the area of the denim fabric material.

174. JCPenney has knowledge of the RevoLaze patents and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

175. As a direct and proximate result of JCPenney's direct infringement of the '444 Patent, RevoLaze suffered harm.

**COUNT IX: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 34**

176. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 164 through 175 of this Complaint as though set forth fully here.

177. Claim 34 of the '444 Patent provides:

Claim 34	A method as in claim 33, wherein said energy density per unit time depends on power.
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178. JCPenney has infringed every element of claim 34 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

179. The products include labels indicating that they were manufactured outside the U.S.

180. On information and belief, JCPenney imported these products into the U.S.

181. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

182. The energy density per unit time depends on power.

183. JCPenney has knowledge of the RevoLaze patents and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

184. As a direct and proximate result of JCPenney's direct infringement of the '444 Patent, RevoLaze suffered harm.

**COUNT X: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 46**

185. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

186. Claim 46 of the '444 Patent provides:

Preamble of Claim 46	A method of scribing a desired pattern on a material, comprising:
Element A	obtaining an indication of the desired pattern;
Element B	using a controllable movable laser, having command elements which command movement of an output of said laser to different locations on said working surface;
Element C	controlling said laser to produce outputs indicative of the desired pattern to be formed based on said indication, said outputs controlling said controllable laser to control a position of marking thereof, said controller controlling an energy density per unit time that is output from said laser to stay within a controlled range of energy per unit time and per unit area for said material, which does not cause undesired carbonization, melting or vaporization for said material, and said material is one of a fabric material, a leather material or a vinyl material, and wherein said energy density per unit time can be different for different materials.

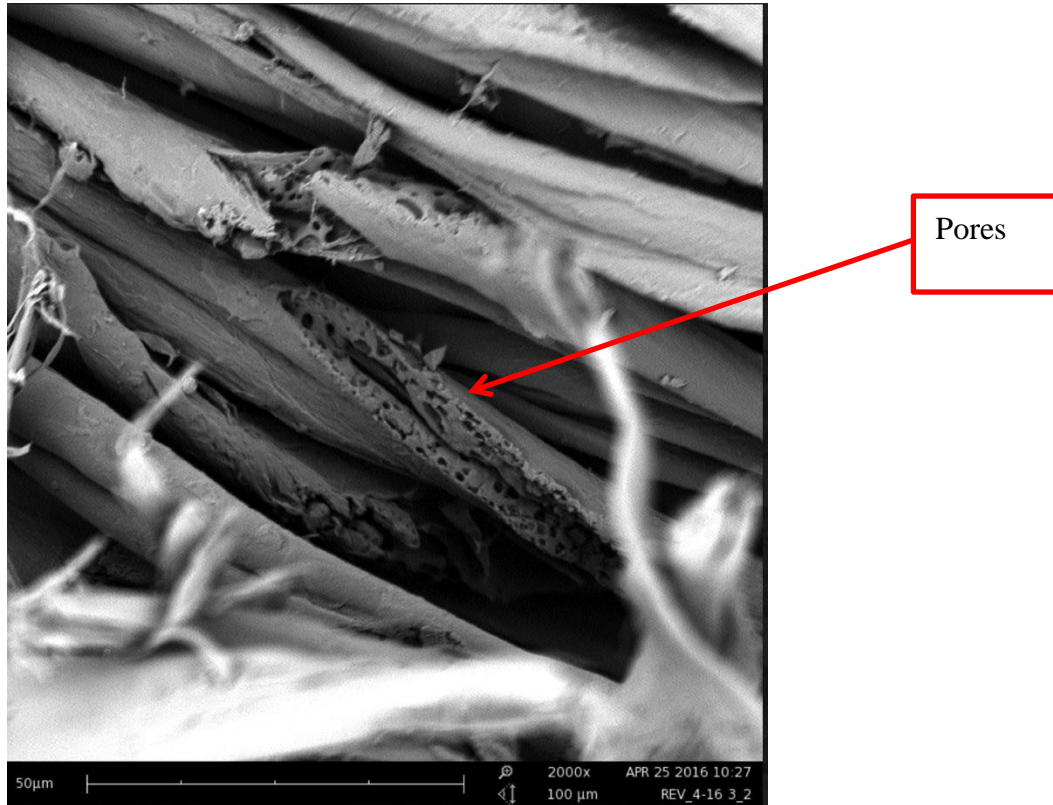
187. JCPenney has infringed every element of claim 46 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

188. The products include labels indicating that they were manufactured outside the U.S.

189. On information and belief, JCPenney imported these products into the U.S.

190. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

191. Analysis of the exemplary product using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garment. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



192. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

193. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:





194. On information and belief, the manufacturers of the products obtained an indication of the desired pattern (e.g., the “worn” look to be produced).

195. On information and belief, the manufacturers of the products used a controllable movable laser that has command elements that command the movement of an output of the laser to different locations on a working surface.

196. On information and belief, the manufacturers of the products controlled the laser to produce outputs indicative of the desired pattern to be formed (e.g., the “worn” look to be produced) based on the indication of the desired pattern, where the outputs controlled the controllable laser to control the position of marking, and controlled the energy density per unit time that was output from the laser to stay within a controlled range of energy per unit time and per unit area for the denim fabric material.

197. On information and belief, the manufacturers of the products controlled the laser so that it did not cause undesired carbonization, melting or vaporization for the denim fabric material.

198. JCPenney has knowledge of the RevoLaze patents and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

199. As a direct and proximate result of JCPenney's direct infringement of the '444 Patent, RevoLaze suffered harm.

**COUNT XI: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 69**

200. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

201. Claim 69 of the '444 Patent provides:

Preamble of Claim 69	A method of marking a material, comprising:
Element A	identifying a material to be processed which is one of a fabric material, a vinyl material or a leather material;
Element B	determining an amount of energy per unit time and per unit area which, when output from a laser on to said material to be processed, will produce a specified effect on said material without undesirable burning, melting-through or carbonizing the material; and
Element C	operating the laser with said specific material at said specific amount of energy per unit time and per unit area.

202. JCPenney has infringed every element of claim 69 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

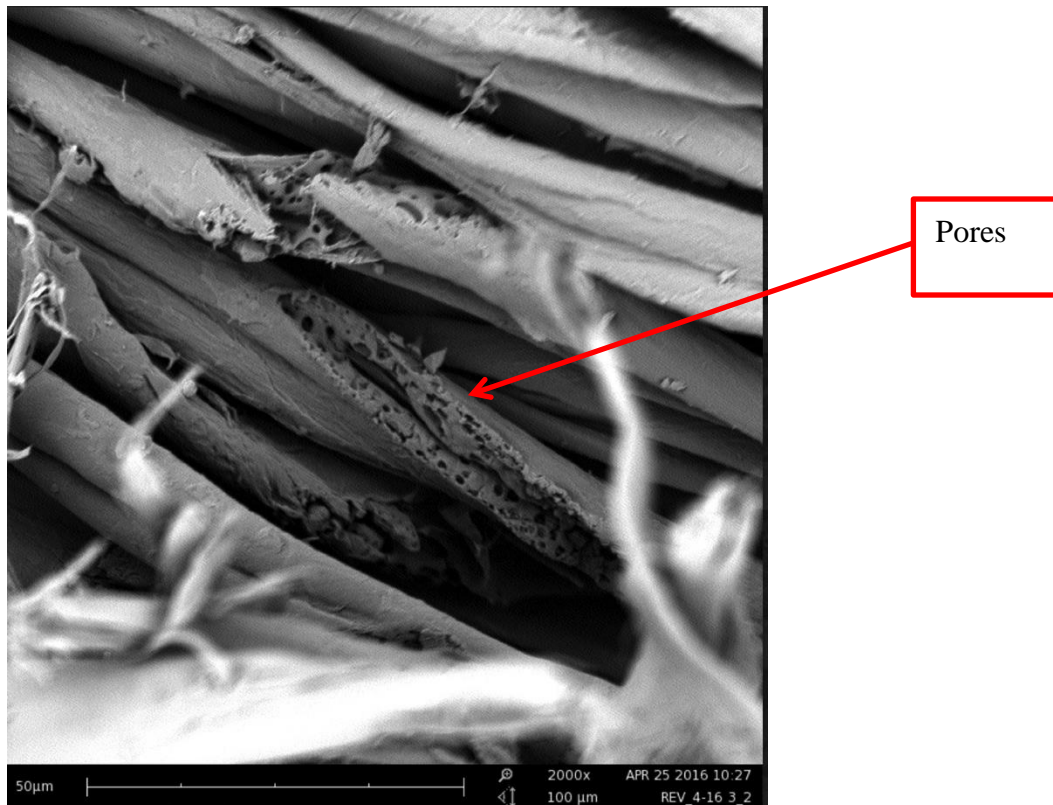


203. The products include labels indicating that they were manufactured outside the U.S.

204. On information and belief, JCPenney imported these products into the U.S.

205. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

206. Analysis of the exemplary product using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garment. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



207. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

208. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



209. On information and belief, the manufacturers of the products identified the denim fabric material to be processed by the laser.

210. On information and belief, the manufacturers of the products determined an amount of energy per unit time and per unit area that, when output from a laser on to the denim fabric material to be processed, produced a specified effect (e.g., the “worn” look) on the denim fabric material without undesirable burning, melting-through or carbonizing the material.

211. On information and belief, the manufacturers of the products operated the laser with the specific denim fabric material at the specific amount of energy per unit time and per unit area.

212. JCPenney has knowledge of the RevoLaze patents and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products

infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

213. As a direct and proximate result of JCPenney's direct infringement of the '444 Patent, RevoLaze suffered harm.

**COUNT XII: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 70**

214. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 201 through 213 of this Complaint as though set forth fully here.

215. Claim 70 of the '444 Patent provides:

Claim 70	A method as in claim 69, where said specified effect is a change of color of said material.
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216. JCPenney has infringed every element of claim 70 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

217. The products include labels indicating that they were manufactured outside the U.S.

218. On information and belief, JCPenney imported these products into the U.S.

219. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

220. The specified effect was a change of color of the denim fabric material to create the “worn” look.

221. JCPenney has knowledge of the RevoLaze patents and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

222. As a direct and proximate result of JCPenney's direct infringement of the '444 Patent, RevoLaze suffered harm.

**COUNT XIII: INFRINGEMENT OF PAT. NO. 5,990,444 CLAIM 72**

223. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

224. Claim 72 of the '444 Patent provides:

Preamble of Claim 72	A method of marking a material, comprising:
Element A	determining an amount of energy per unit time and per unit area which, when output from a laser on to said material to be processed, which is one of a fabric type material, a vinyl type material or a leather type material, will produce a specified effect on said material without undesirable burning, melting-through or carbonizing the material; and
Element B	operating a controllable laser with said specific material at said specific amount of energy per unit time and per unit area.

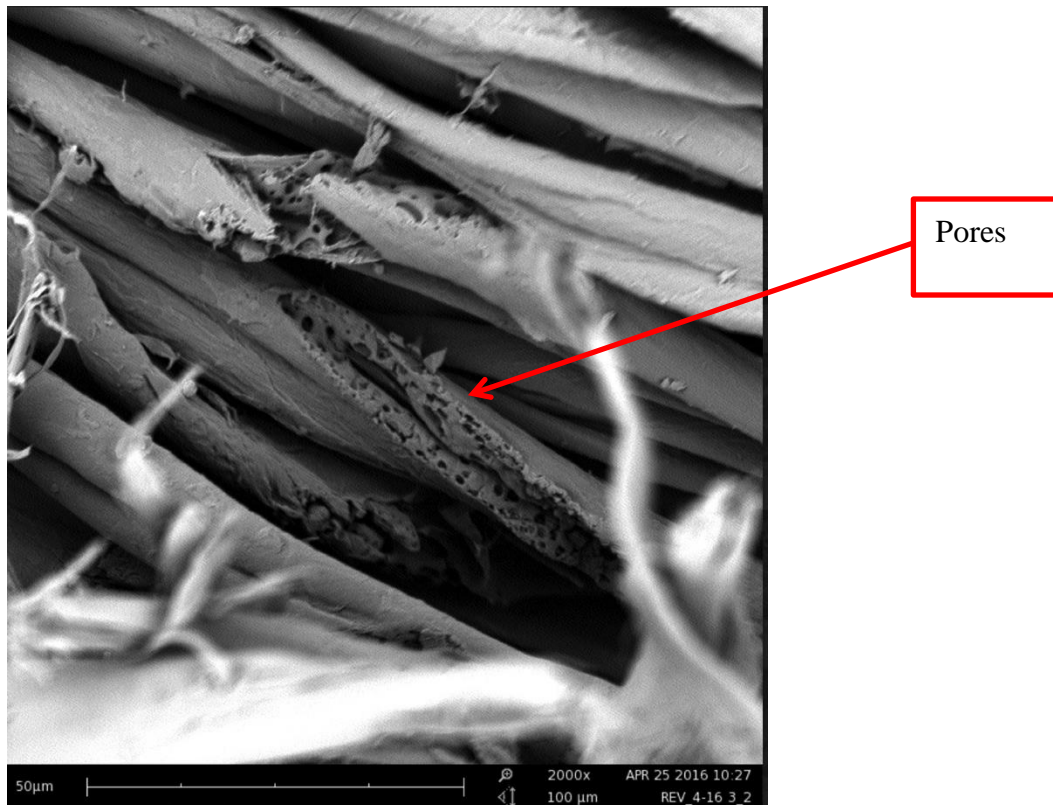
225. JCPenney has infringed every element of claim 72 of the '444 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

226. The products include labels indicating that they were manufactured outside the U.S.

227. On information and belief, JCPenney imported these products into the U.S.

228. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

229. Analysis of the exemplary product using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garment. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



230. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.



231. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



232. On information and belief, the manufacturers of the products determined an amount of energy per unit time and per unit area that, when output from a laser on to the denim fabric material to be processed, produced a specified effect (e.g., the “worn” look) on the denim fabric material without undesirable burning, melting-through or carbonizing of the material.

233. JCPenney has knowledge of the RevoLaze patents and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products infringes them since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

234. As a direct and proximate result of JCPenney’s direct infringement of the ’444 Patent, RevoLaze suffered harm.

**COUNT XIV: INFRINGEMENT OF PAT. NO. 6,140,602 CLAIM 99**

235. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

236. Claim 99 of the '602 Patent provides:

Preamble of Claim 99	A method of altering characteristics of a material, comprising:
Element A	determining at least one characteristic of the material, said at least one characteristic being of a kind which affects a propensity of the material to be physically altered by a radiation source;
Element B	using said at least one characteristic to determine a radiation source power and speed of movement of an output of the radiation source over the material that will cause a desired structural change of the material without undesired damage to the material;
Element C	storing information in a controller indicating a desired pattern to be formed on said material; and
Element D	using said controller to control said radiation source according to said determined radiation source power and speed of movement determined in said using and according to said stored information indicating the desired pattern.

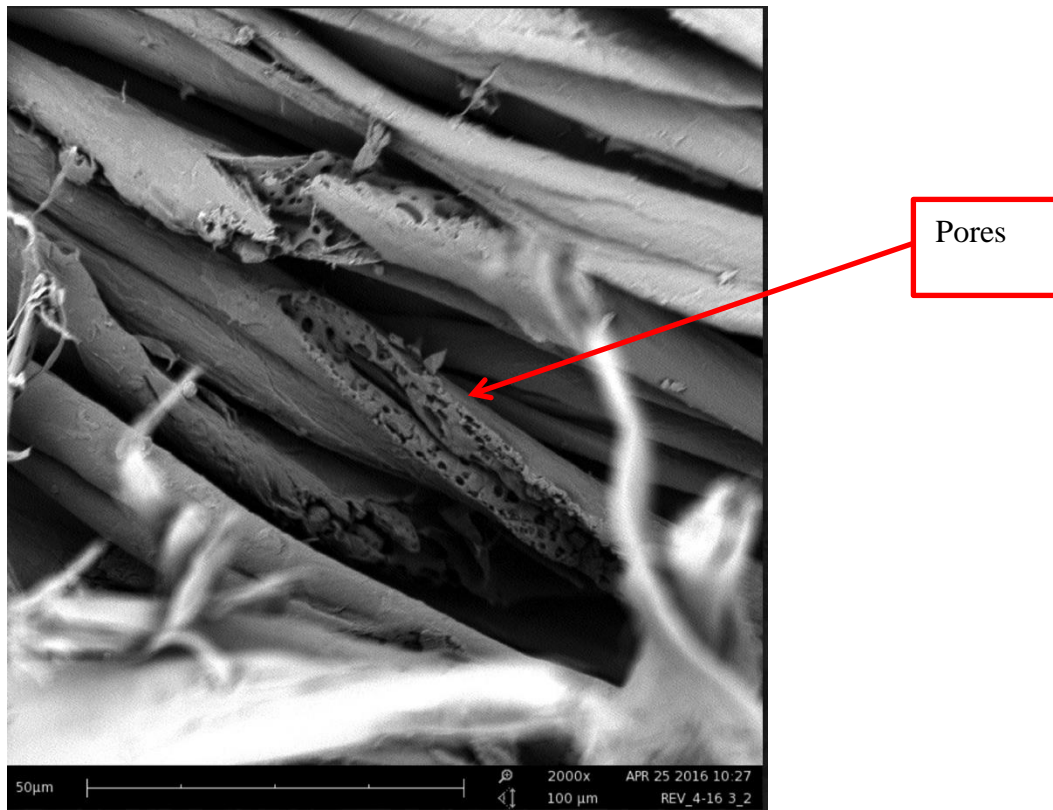
237. JCPenney has infringed and is still infringing every element of claim 99 of the '602 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

238. All of these products include labels indicating that they were manufactured outside the U.S.

239. On information and belief, JCPenney imported all of these products into the U.S.

240. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

241. Analysis of all three exemplary products using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garments. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



242. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.



243. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



244. On information and belief, the manufacturers of all of these products determined at least one characteristic of the denim fabric material that affects a propensity of the material to be physically altered by a radiation source (such as a laser).

245. On information and belief, the manufacturers of all of these products used the at least one characteristic to determine a laser power and speed of movement of an output of the laser over the denim fabric material that caused a desired structural change of the material (e.g., the “worn” look) without undesired damage to the material.

246. In addition, on information and belief, the manufacturers of all of these products stored information in a controller indicating a desired pattern (e.g., the “worn” look) to be formed on the denim fabric material.

247. On information and belief, the manufacturers of all of these products used the laser controller to control the laser according to the determined power and speed of

movement and according to the stored information indicating the desired pattern (e.g., the “worn” look).

248. JCPenney has knowledge of the ’602 Patent and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products infringes claim 99 of the ’602 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

249. As a direct and proximate result of JCPenney’s direct infringement of the ’602 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XV: INFRINGEMENT OF PAT. NO. 6,140,602 CLAIM 120**

250. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

251. Claim 120 of the ’602 Patent provides:

Preamble of Claim 120	A method of selectively altering portions of a material to form a desired pattern on the material, comprising:
Element A	determining a pattern to be formed on the material;
Element B	determining specific characteristics of the material on which the pattern is to be formed;
Element C	determining special operational parameters for the material with its specific characteristics, said special operational parameters which allow a focused beam of radiation to form a pattern in the material which changes the material without undesirably damaging the material; and
Element D	forming a pattern on said material using the special operational parameters.

252. JCPenney has infringed and is still infringing every element of claim 120 of the ’602 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style

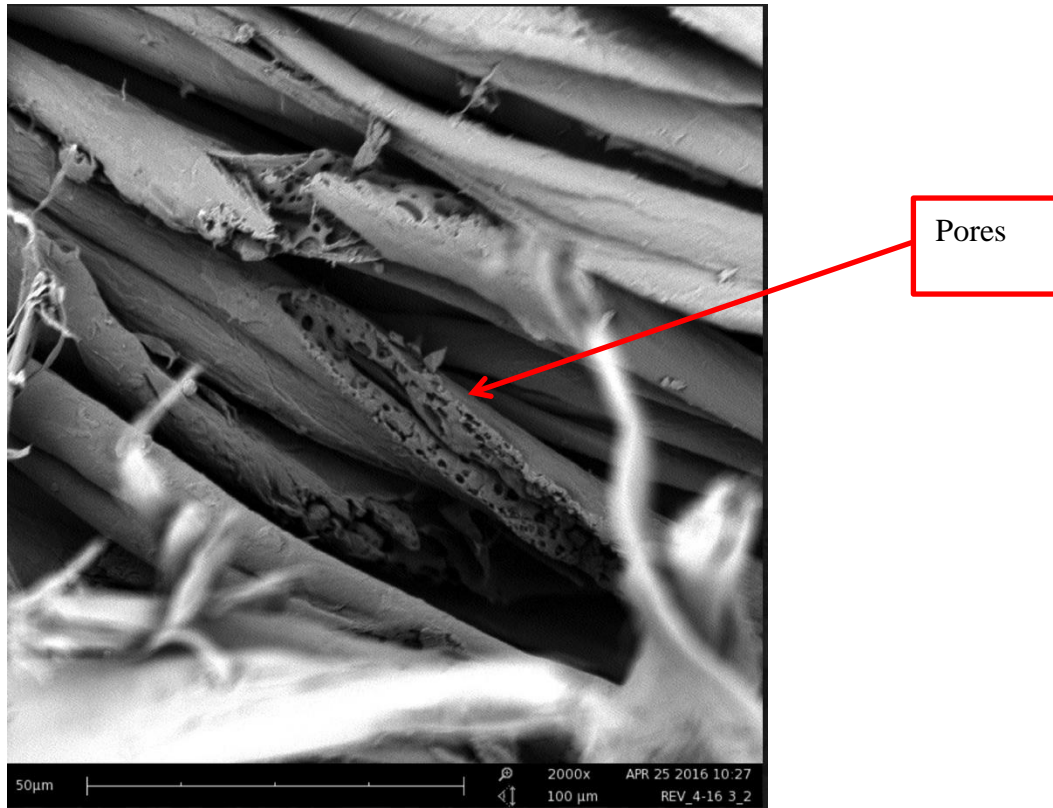
EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

253. All of these products include labels indicating that they were manufactured outside the U.S.

254. On information and belief, JCPenney imported all of these products into the U.S.

255. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

256. Analysis of all three exemplary products using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garments. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



257. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

258. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



259. On information and belief, the manufacturers of all of these products determined a pattern (e.g., the “worn” look) to be formed on the material.

260. In addition, on information and belief, the manufacturers of all of these products determined specific characteristics of the denim fabric material on which the pattern is to be formed.

261. On information and belief, the manufacturers of all of these products determined operational parameters (e.g., laser power, laser speed, duty cycle, pixel time) for the denim fabric material with its specific characteristics, where the operational parameters allow a focused beam of radiation (e.g., the laser beam) to form a pattern (e.g., the “worn” look) in the material that changes the material without undesirably damaging the material.

262. On information and belief, the manufacturers of all of these products formed a pattern (e.g., the “worn” look) on the denim fabric material using the operational parameters.

263. JCPenney has knowledge of the '602 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 120 of the '602 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

264. As a direct and proximate result of JCPenney's direct infringement of the '602 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XVI: INFRINGEMENT OF PAT. NO. 6,140,602 CLAIM 123**

265. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 251 through 264 of this Complaint as though set forth fully here.

266. Claim 123 of the '602 Patent provides:

Claim 123	A method as in claim 120, wherein said material is a fabric material.
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267. JCPenney has infringed and is still infringing every element of claim 123 of the '602 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

268. All of these products include labels indicating that they were manufactured outside the U.S.

269. On information and belief, JCPenney imported all of these products into the U.S.

270. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

271. All of these products were made of denim fabric.

272. JCPenney has knowledge of the '602 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 123 of the '602 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

273. As a direct and proximate result of JCPenney's direct infringement of the '602 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XVII: INFRINGEMENT OF PAT. NO. 6,140,602 CLAIM 124**

274. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 265 through 273 of this Complaint as though set forth fully here.

275. Claim 124 of the '602 Patent provides:

Claim 124	A method as in claim 123, wherein said fabric material is one of denim, leather, cotton, rayon, nylon, wool, silk, or a mixture thereof.
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276. JCPenney has infringed and is still infringing every element of claim 124 of the '602 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny

Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

277. All of these products include labels indicating that they were manufactured outside the U.S.

278. On information and belief, JCPenney imported all of these products into the U.S.

279. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

280. All of these products were made of denim fabric.

281. JCPenney has knowledge of the '602 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 124 of the '602 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

282. As a direct and proximate result of JCPenney's direct infringement of the '602 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XVIII: INFRINGEMENT OF PAT. NO. 6,140,602 CLAIM 141**

283. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

284. Claim 141 of the '602 Patent provides:



Preamble of Claim 141	A method of selectively altering portions of a material to form a desired pattern on the material, comprising:
Element A	determining a pattern to be formed on the material;
Element B	determining specific characteristics of the material on which the pattern is to be formed;
Element C	determining special operational parameters for the material with its specific characteristics, said special operational parameters which allow a focused beam of radiation to cause a chemical change in a surface of the material that causes a pattern which can be seen to be formed in the material without undesirably damaging the material; and
Element D	forming a pattern on said material using the special operational parameters.

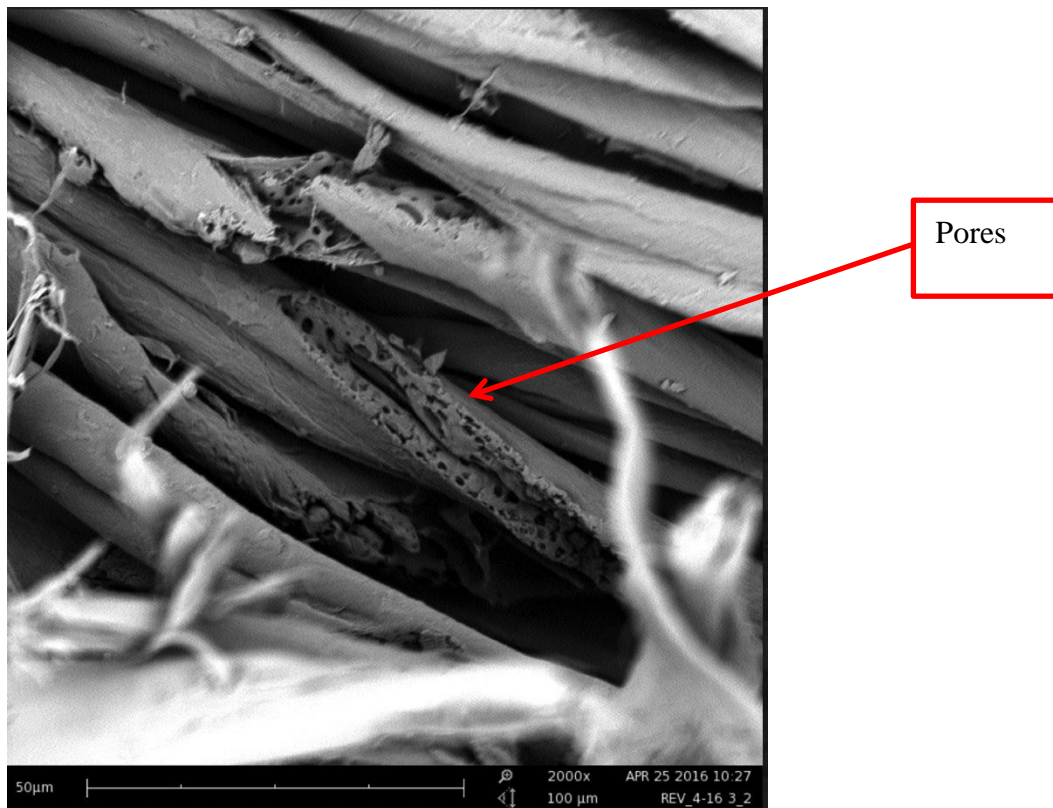
285. JCPenney has infringed and is still infringing every element of claim 141 of the '602 Patent by importing into the United States or offering for sale, selling and/or using garments including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

286. All of these products include labels indicating that they were manufactured outside the U.S.

287. On information and belief, JCPenney imported all of these products into the U.S.

288. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

289. Analysis of all three exemplary products using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garments. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



290. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

291. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



292. On information and belief, the manufacturers of all of these products determined a pattern (e.g., the “worn” look) to be formed on the denim fabric material.

293. In addition, on information and belief, the manufacturers of all of these products determined specific characteristics of the denim fabric material on which the pattern (e.g., the “worn” look) is to be formed.

294. On information and belief, the manufacturers of all of these products determined operational parameters for the denim fabric material with its specific characteristics, where the operational parameters allow a focused beam of radiation (e.g., a laser beam) to cause a chemical change in a surface of the denim fabric material that causes a pattern (e.g., “worn” look) that can be seen to form in the material without undesirably damaging the material.

295. On information and belief, the manufacturers of all of these products formed a pattern (e.g., the “worn” look) on the denim fabric material using the operational parameters.

296. JCPenney has knowledge of the '602 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 141 of the '602 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

297. As a direct and proximate result of JCPenney's direct infringement of the '602 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXIX: INFRINGEMENT OF PAT. NO. 6,140,602 CLAIM 142**

298. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 284 through 297 of this Complaint as though set forth fully here.

299. Claim 142 of the '602 Patent provides:

Claim 142	A method as in claim 141, wherein said material is a fabric material.
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300. JCPenney has infringed and is still infringing every element of claim 142 of the '602 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

301. All of these products include labels indicating that they were manufactured outside the U.S.

302. On information and belief, JCPenney imported all of these products into the U.S.

303. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

304. All of these products were made of denim fabric.

305. JCPenney has knowledge of the '602 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 142 of the '602 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

306. As a direct and proximate result of JCPenney's direct infringement of the '602 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XX: INFRINGEMENT OF PAT. NO. 6,140,602 CLAIM 143**

307. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 298 through 306 of this Complaint as though set forth fully here.

308. Claim 143 of the '602 Patent provides:

Claim 143	A method as in claim 142, wherein said fabric material is one of denim, leather, cotton, rayon, nylon, wool, silk, or a mixture thereof.
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309. JCPenney has infringed and is still infringing every element of claim 143 of the '602 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny

Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

310. All of these products include labels indicating that they were manufactured outside the U.S.

311. On information and belief, JCPenney imported all of these products into the U.S.

312. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

313. All of these products were made of denim fabric.

314. JCPenney has knowledge of the '602 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 143 of the '602 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

315. As a direct and proximate result of JCPenney's direct infringement of the '602 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXI: INFRINGEMENT OF PAT. NO. 6,252,196 CLAIM 5**

316. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

317. Claim 5 of the '196 Patent provides:

Preamble of Claim 5	A method of scribing a desired pattern on a material, comprising:
Element A	obtaining an indication of the desired pattern;
Element B	investigating the pattern to determine if the pattern includes elements which are more likely to cause undesired damage to the material when applied to the material by a laser;
Element C	modifying the pattern to change the elements to other elements which are less likely to cause said undesired damage; and
Element D	commanding a controllable movable laser based on the modified pattern to write to different locations on a surface of the material.

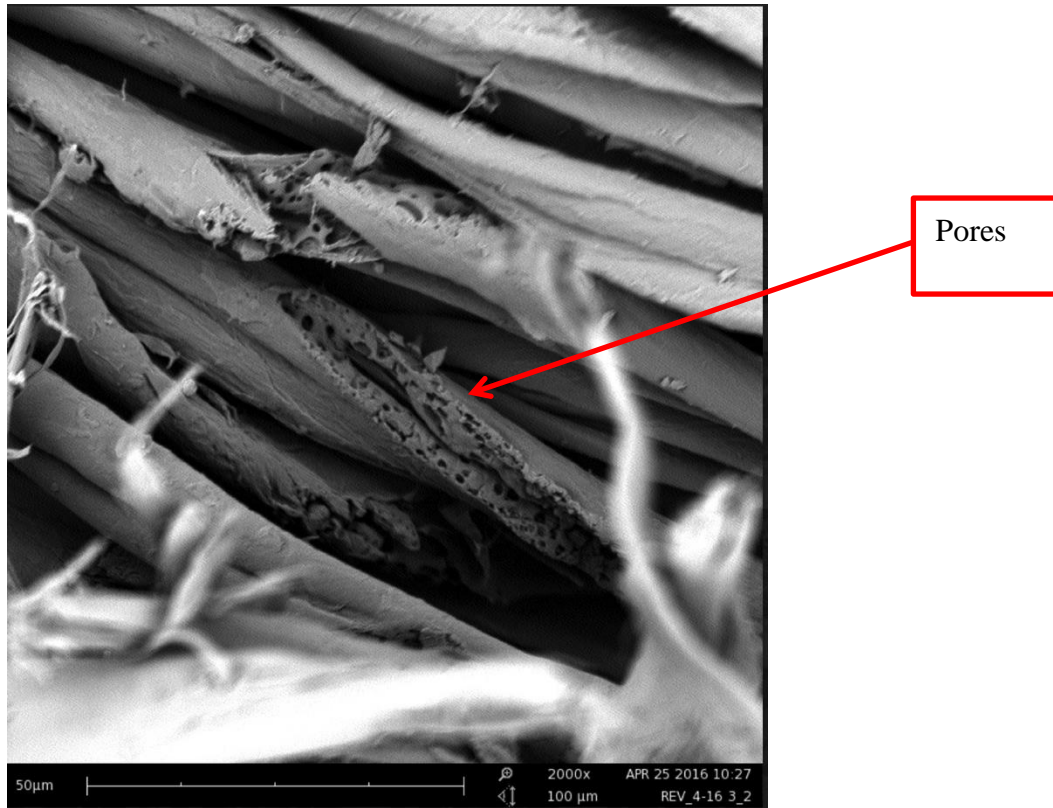
318. JCPenney has infringed and is still infringing every element of claim 5 of the '196 Patent by importing into the United States or offering for sale, selling and/or using garments including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

319. The products include labels indicating that they were manufactured outside the U.S.

320. On information and belief, JCPenney imported these products into the U.S.

321. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

322. Analysis of the exemplary product using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garment. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



323. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

324. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:





325. On information and belief, the manufacturers of the products obtained an indication of the desired pattern (e.g., the “worn” look).

326. In addition, on information and belief, the manufacturers of the products investigated the pattern (e.g., “worn” look) to determine if the pattern included elements that were more likely to cause undesired damage to the denim fabric material when applied to the material by a laser.

327. On information and belief, the manufacturers of the products modified the pattern (e.g., “worn” look) to change the elements to other elements that were less likely to cause undesired damage.

328. On information and belief, the manufacturers of the products commanded a controllable movable laser based on the modified pattern to write to different locations on a surface of the material.

329. JCPenney has knowledge of the RevoLaze patents and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products

infringes RevoLaze's patents since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

330. As a direct and proximate result of JCPenney's direct infringement of the '196 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXII: INFRINGEMENT OF PAT. NO. 6,252,196 CLAIM 11**

331. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

332. Claim 11 of the '196 Patent provides:

Preamble of Claim 11	A method of scribing a desired pattern on a material without damaging the material, comprising:
Element A	obtaining an indication of a desired pattern to be placed on the material;
Element B	determining a position representing a beginning portion of a portion of the desired pattern, where the laser will begin to form the desired pattern on said material,
Element C	controlling a controllable movable laser to begin moving relative to the material, and, while moving, to begin outputting its laser beam, said laser beam not being output until after said laser is moving relative to said material, to avoid overetching of the material at startup.

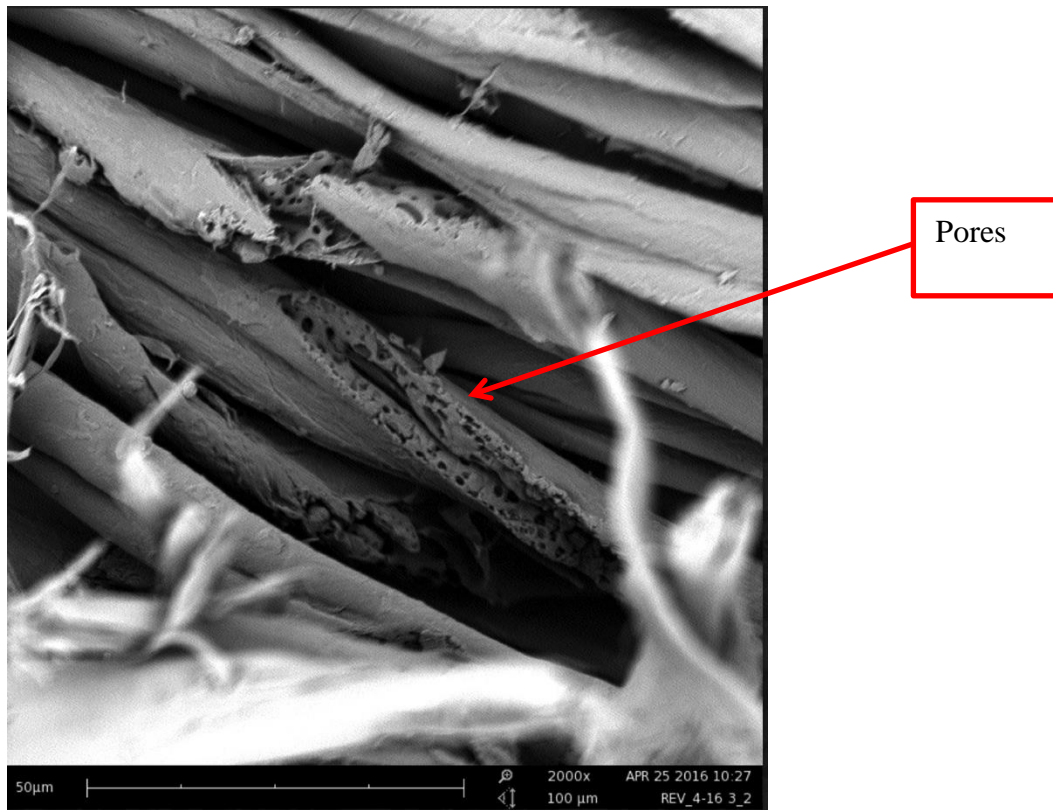
333. JCPenney has infringed and is still infringing every element of claim 11 of the '196 Patent by importing into the United States or offering for sale, selling and/or using garments including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

334. The products include labels indicating that they were manufactured outside the U.S.

335. On information and belief, JCPenney imported these products into the U.S.

336. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

337. Analysis of the exemplary product using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garment. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



338. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

339. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



340. On information and belief, the manufacturers of the products obtained an indication of a desired pattern (e.g., “worn” look) to be placed on the denim fabric material.

341. In addition, on information and belief, the manufacturers of the products determined a position representing a beginning portion of a portion of the desired pattern (e.g., “worn” look) where the laser began to form the desired pattern on the denim fabric material.

342. On information and belief, the manufacturers of the products controlled a controllable movable laser to move relative to the material, and, while moving, to output its laser beam, wherein the laser beam was not being output until after the laser was moving relative to the denim fabric material in order to avoid overetching of the material at startup.

343. JCPenney has knowledge of the RevoLaze patents and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products

infringes RevoLaze's patents since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

344. As a direct and proximate result of JCPenney's direct infringement of the '196 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXIII: INFRINGEMENT OF PAT. NO. 6,252,196 CLAIM 13**

345. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

346. Claim 13 of the '196 Patent provides:

Preamble of Claim 13	A method of forming a desired pattern on a material without damaging the material, comprising:
Element A	obtaining an indication of a desired pattern to be formed on the material;
Element B	determining an energy amount to be applied to each unit area of said material based on at least one characteristic of said pattern;
Element C	controlling a relative movement between a marking device that produces a focused beam of radiation which will be used to mark the material, and said material;
Element D	controlling the marking device to output the focused beam of radiation toward said material, by commanding said relative movement, and then, while there is said relative movement between said marking device and said material, to begin outputting said focused beam of radiation, such that said beam of radiation is not output until after said beam is moving relative to said material, to avoid overetching of the material at startup.

347. JCPenney has infringed and is still infringing every element of claim 13 of the '196 Patent by importing into the United States or offering for sale, selling and/or using garments including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style



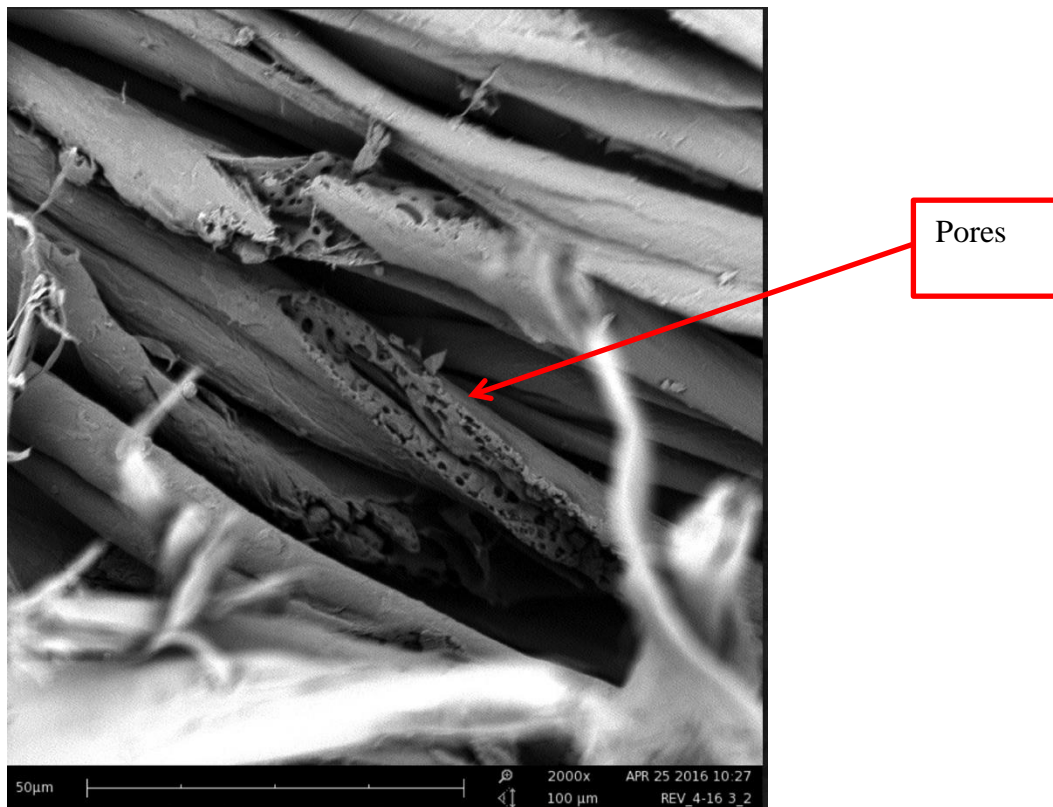
EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

348. The products include labels indicating that they were manufactured outside the U.S.

349. On information and belief, JCPenney imported these products into the U.S.

350. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

351. Analysis of the exemplary product using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garment. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



352. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

353. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



354. On information and belief, the manufacturers of the products obtained an indication of a desired pattern (e.g., “worn” look) to be formed on the denim fabric material.

355. In addition, on information and belief, the manufacturers of the products determined an energy amount to be applied to each unit area of the denim fabric material based on at least one characteristic of the pattern (e.g., “worn” look).

356. On information and belief, the manufacturers of the products controlled the relative movement between a marking device (e.g., laser) that produces a focused beam of radiation (e.g., laser beam) that was used to mark the denim fabric material and the denim fabric material.

357. On information and belief, the manufacturers of the products controlled the marking device (e.g., laser) to output the laser beam toward the denim fabric material by commanding the relative movement, and then, while there was relative movement between the laser and the material, to begin outputting the focused laser beam so that the laser beam was not output until after the laser beam was moving relative to the denim fabric material in order to avoid overetching of the material at startup.

358. JCPenney has knowledge of the RevoLaze patents and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes RevoLaze's patents since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

359. As a direct and proximate result of JCPenney's direct infringement of the '196 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXIV: INFRINGEMENT OF PAT. NO. 6,252,196 CLAIM 14**

360. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 346 through 359 of this Complaint as though set forth fully here.

361. Claim 14 of the '196 Patent provides:

Claim 14	A method as in claim <b>13</b> , wherein said marking device is a controllable laser, and said focused beam of radiation is a laser beam.
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362. JCPenney has infringed and is still infringing every element of claim 14 of the '196 Patent by importing into the United States or offering for sale, selling and/or using garments including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style



EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) product, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

363. The products include labels indicating that they were manufactured outside the U.S.

364. On information and belief, JCPenney imported these products into the U.S.

365. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

366. On information and belief, the manufacturers of the products used a controllable laser that would output a laser beam.

367. JCPenney has knowledge of the RevoLaze patents and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes RevoLaze's patents since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

368. As a direct and proximate result of JCPenney's direct infringement of the '196 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXV: INFRINGEMENT OF PAT. NO. 6,252,196 CLAIM 16**

369. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

370. Claim 16 of the '196 Patent provides:

Preamble of Claim 16	A method of scribing a desired pattern on a material without damaging the material, comprising:
Element A	obtaining an indication of a desired pattern to be placed on the material;
Element B	determining an energy amount to be applied to each unit area of said material based on at least one characteristic of said pattern;
Element C	controlling a controllable movable laser to produce an output at a specified energy amount per unit area by controlling at least one of a movement speed of said controllable movable laser and an output power of said controllable movable laser; and
Element D	said controlling said controllable movable laser to begin moving relative to the material, and, while moving, to begin outputting its laser beam, such that said laser beam is not output until after said laser is moving relative to said material, to avoid overetching of the material at startup.

371. JCPenney has infringed and is still infringing every element of claim 16 of the ‘196 Patent by importing into the United States or offering for sale, selling and/or using garments including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – 523/4566/015405 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

372. The products include labels indicating that they were manufactured outside the U.S.

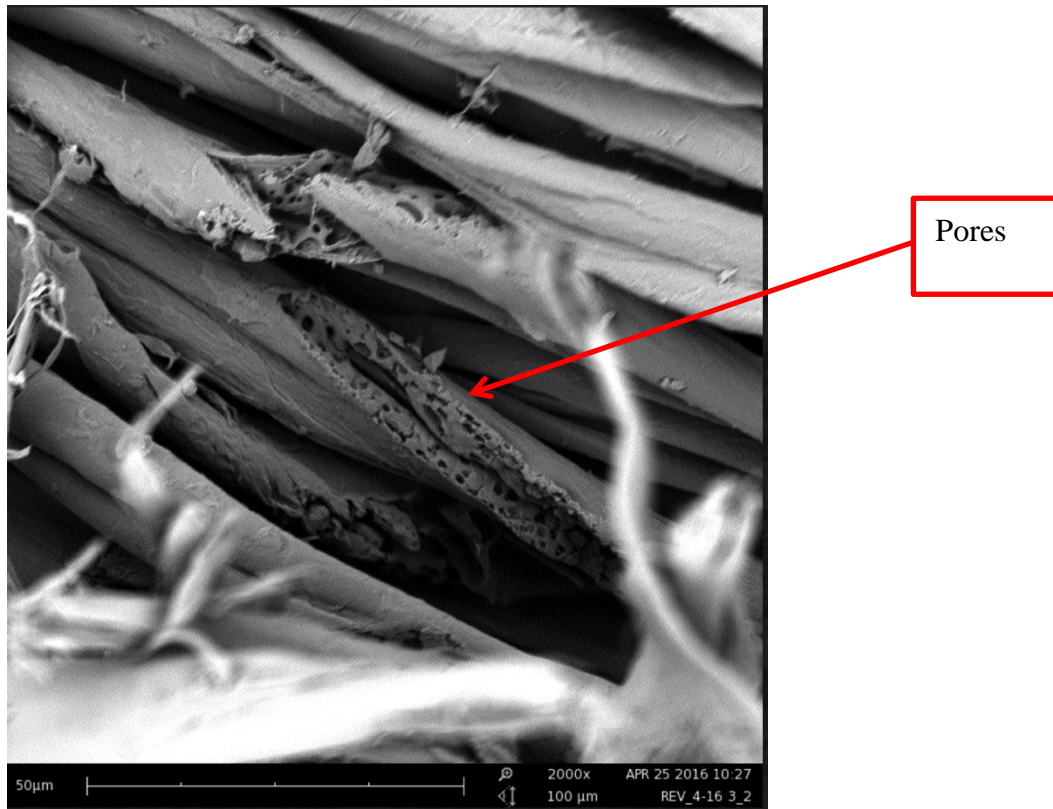
373. On information and belief, JCPenney imported these products into the U.S.

374. In addition, JCPenney offered the products for sale in the U.S. and sold the products in the U.S.

375. Analysis of the exemplary product using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garment. For example, a SEM image of fibers in the Arizona Basic Flex Skinny

Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405

(Made in Mexico) product shows these pores:



376. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

377. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



378. On information and belief, the manufacturers of the products obtained an indication of a desired pattern (e.g., “worn” look) to be placed on the denim fabric material.

379. In addition, on information and belief, the manufacturers of the products determined an energy amount to be applied to each unit area of the denim fabric material based on at least one characteristic of the pattern (e.g., “worn” look).

380. On information and belief, the manufacturers of the products controlled a controllable, movable laser to produce an output at a specified energy amount per unit area by controlling at least one of the movement speed of the controllable movable laser and the output power of the controllable movable laser.

381. On information and belief, the manufacturers of the products controlled the laser such that the laser beam was not output until after the laser was moving relative to the denim fabric material in order to avoid overetching of the material at startup.

382. JCPenney has knowledge of the RevoLaze patents and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products

infringes RevoLaze's patents since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

383. As a direct and proximate result of JCPenney's direct infringement of the '196 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXVI: INFRINGEMENT OF PAT. NO. 6,664,505 CLAIM 1**

384. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

385. Claim 1 of the '505 Patent provides:

Preamble of Claim 1	A method, comprising:
Element A	allowing a user to enter and/or change each of a plurality of different parameters;
Element B	carrying out a mathematical operation based on said parameters to form values which are individualized for each of a plurality of areas; and
Element C	using said values to control a laser to change a look of a textile material according to said values.

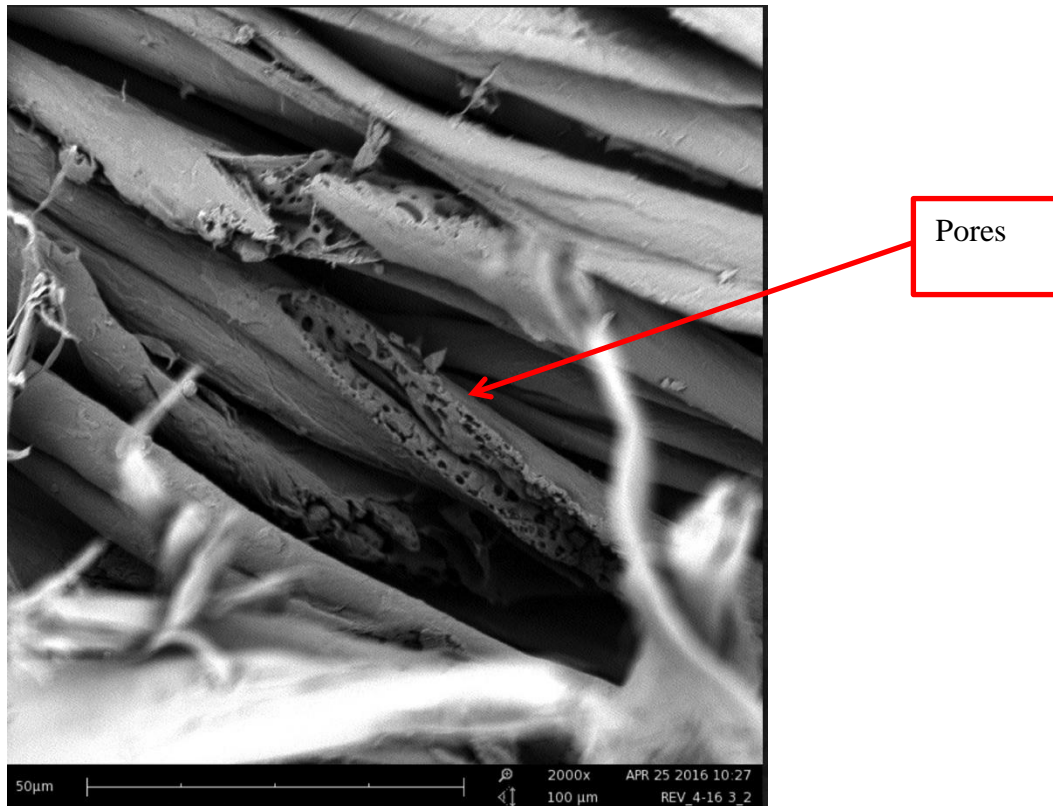
386. JCPenney has infringed and is still infringing every element of claim 1 of the '505 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

387. All of these products include labels indicating that they were manufactured outside the U.S.

388. On information and belief, JCPenney imported all of these products into the U.S.

389. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

390. Analysis of all three exemplary products using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garments. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:





391. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

392. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



393. On information and belief, the manufacturers of all of these products operated a laser that allowed a user to enter and/or change each of a plurality of different parameters (such as power).

394. In addition, on information and belief, the manufacturers of all of these products operated a laser that carried out a mathematical operation based on the parameters to form values that were individualized for each of a plurality of areas (where the values relate to a design or pattern such as a “worn” look).

395. On information and belief, the manufacturers of all of these products operated a laser system that used the values to control the laser to change a look (e.g., created a “worn” look) of the denim fabric textile material according to the values.

396. JCPenney has knowledge of the '505 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 1 of the '505 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

397. As a direct and proximate result of JCPenney's direct infringement of the '505 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXVII: INFRINGEMENT OF PAT. NO. 6,664,505 CLAIM 49**

398. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

399. Claim 49 of the '505 Patent provides:

Preamble of Claim 49	A method, comprising:
Element A	allowing a user to enter and/or change each of a plurality of different parameters;
Element B	carrying out a mathematical operation based on said parameters to form values which are individualized for each of a plurality of areas;
Element C	using said values to control a laser to change a look of a textile material according to said values; and
Element D	wherein said values represent amounts of change to be caused to said textile material, and are calculated according to said mathematical operation.

400. JCPenney has infringed and is still infringing every element of claim 49 of the '505 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny



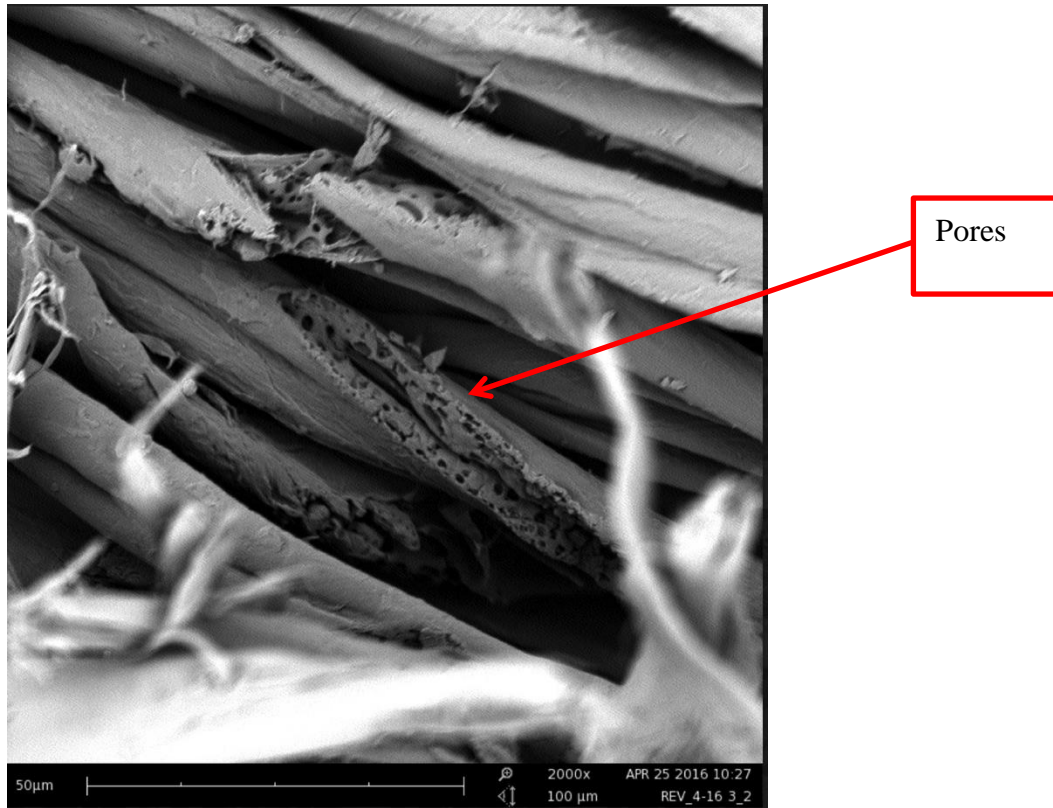
Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

401. All of these products include labels indicating that they were manufactured outside the U.S.

402. On information and belief, JCPenney imported all of these products into the U.S.

403. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

404. Analysis of all three exemplary products using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garments. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



405. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

406. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



407. On information and belief, the manufacturers of all of these products operated a laser system that allowed a user to enter and/or change each of a plurality of different parameters (such as power).

408. In addition, on information and belief, the manufacturers of all of these products operated a laser system that carried out a mathematical operation based on the parameters to form values that are individualized for each of a plurality of areas (where the values relate to a design or pattern such as a “worn” look).

409. On information and belief, during manufacturing, the manufacturers of all of these products operated a laser system that used the values to control the laser to change a look (e.g., created a “worn” look) of the denim fabric textile material according to the values.

410. The values represent amounts of change to be caused to the denim fabric textile material and are calculated according to the mathematical operation.

411. JCPenney has knowledge of the ’505 Patent and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products infringes claim 49

of the '505 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

412. As a direct and proximate result of JCPenney's direct infringement of the '505 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXVIII: INFRINGEMENT OF PAT. NO. 6,664,505 CLAIM 50**

413. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 399 through 412 of this Complaint as though set forth fully here.

414. Claim 50 of the '505 Patent provides:

Claim 50	A method as in claim 49, wherein said values represent an amount of energy to be delivered by said laser for a specified unit of textile material.
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415. JCPenney has infringed and is still infringing every element of claim 50 of the '505 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

416. All of these products include labels indicating that they were manufactured outside the U.S.

417. On information and belief, JCPenney imported all of these products into the U.S.

418. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

419. The values used by the laser system represent an amount of energy that is to be delivered by the laser for a specified unit of textile material.

420. JCPenney has knowledge of the '505 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 50 of the '505 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

421. As a direct and proximate result of JCPenney's direct infringement of the '505 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXIX: INFRINGEMENT OF PAT. NO. 6,664,505 CLAIM 51**

422. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 399 through 412 of this Complaint as though set forth fully here.

423. Claim 51 of the '505 Patent provides:

Claim 51	A method as in claim 49, wherein said values represent an amount of energy to be delivered by said laser per unit time to said textile material.
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424. JCPenney has infringed and is still infringing every element of claim 51 of the '505 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in

the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

425. All of these products include labels indicating that they were manufactured outside the U.S.

426. On information and belief, JCPenney imported all of these products into the U.S.

427. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

428. The values used by the laser system represent an amount of energy that is to be delivered by the laser per unit time to the textile material.

429. JCPenney has knowledge of the '505 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 51 of the '505 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

430. As a direct and proximate result of JCPenney's direct infringement of the '505 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXX: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 1**

431. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

432. Claim 1 of the '972 Patent provides:

Preamble of Claim 1	A method, comprising:
Element A	storing information about effective applied power levels for a plurality of scan lines of a laser element, at least a plurality of said scan lines having levels of effective applied power which change within a single scan line; and
Element B	using a laser to process a material by controlling scan lines of the laser to have a controlled energy density per unit time which depends on said effective applied power levels.

433. JCPenney has infringed and is still infringing every element of claim 1 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

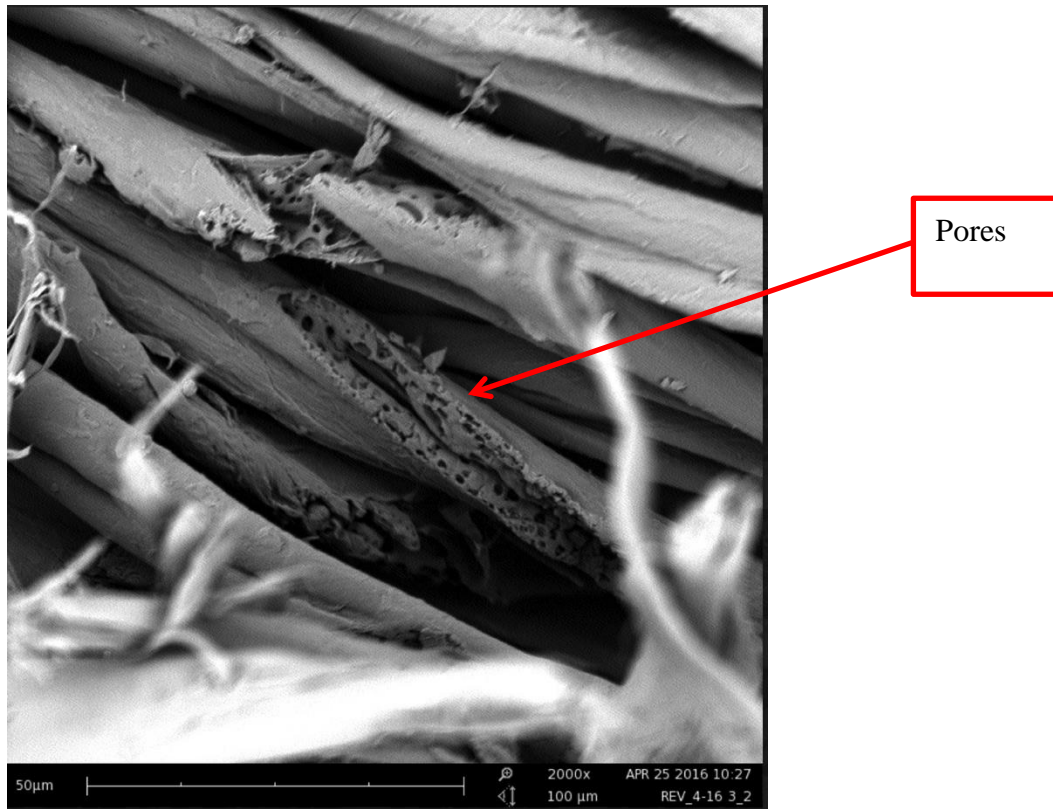
434. All of these products include labels indicating that they were manufactured outside the U.S.

435. On information and belief, JCPenney imported all of these products into the U.S.

436. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

437. Analysis of all three exemplary products using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garments. For example, a SEM image of fibers in the Arizona Basic

Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



438. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

439. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:





440. On information and belief, the manufacturers of all of these products stored information about effective applied power levels for a plurality of scan lines of a laser element, where at least a plurality of the scan lines had levels of effective applied power that changed within a single scan line so that the effect on the denim fabric material would change.

441. In addition, on information and belief, the manufacturers of all of these products used a laser to process a denim fabric material by controlling scan lines of the laser to have a controlled energy density per unit time, which depends on the effective applied power levels.

442. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 1 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

443. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XXXI: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 2**

444. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 432 through 443 of this Complaint as though set forth fully here.

445. Claim 2 of the '972 Patent provides:

Claim 2	A method as in claim 1 wherein at least a plurality of said effective applied power levels are values which do not undesirably damage a material.
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446. JCPenney has infringed and is still infringing every element of claim 2 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

447. All of these products include labels indicating that they were manufactured outside the U.S.

448. On information and belief, JCPenney imported all of these products into the U.S.

449. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

450. A plurality of the effective applied power levels are values that do not undesirably damage the denim fabric material

451. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 2 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

452. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXXII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 4**

453. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 444 through 452 of this Complaint as though set forth fully here.

454. Claim 4 of the '972 Patent provides:

Claim 4	A method as in claim 2 wherein said material is a denim garment.
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455. JCPenney has infringed and is still infringing every element of claim 4 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

456. All of these products include labels indicating that they were manufactured outside the U.S.

457. On information and belief, JCPenney imported all of these products into the U.S.

458. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

459. All of these garment products were made of denim fabric.

460. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 4 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

461. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXXIII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 5**

462. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 432 through 443 of this Complaint as though set forth fully here.

463. Claim 5 of the '972 Patent provides:

Claim 5	A method as in claim 1 wherein said information is indicative of a simulated abrasion effect to create a worn look.
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464. JCPenney has infringed and is still infringing every element of claim 5 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny

Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

465. All of these products include labels indicating that they were manufactured outside the U.S.

466. On information and belief, JCPenney imported all of these products into the U.S.

467. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

468. The information about effective applied power levels for a plurality of scan lines is indicative of a simulated abrasion effect to create a worn look on the denim fabric material.

469. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 5 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

470. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze has suffered and is suffering harm.

**COUNT XXXIV: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 6**

471. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 432 through 443 of this Complaint as though set forth fully here.

472. Claim 6 of the '972 Patent provides:

Claim 6	A method as in claim 1 wherein said information is indicative of simulated whisker effect.
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473. JCPenney has infringed and is still infringing every element of claim 6 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

474. All of these products include labels indicating that they were manufactured outside the U.S.

475. On information and belief, JCPenney imported all of these products into the U.S.

476. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

477. The information about effective applied power levels for a plurality of scan lines is indicative of a simulated whisker effect.

478. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 6 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

479. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XXXV: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 11**

480. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 432 through 443 of this Complaint as though set forth fully here.

481. Claim 11 of the '972 Patent provides:

Claim 11	A method as in claim 1 wherein said control of effective applied power levels is carried out by control of duty cycle of said laser thereby controlling an effect of amount of power delivered by the laser in a pulsed manner.
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482. JCPenney has infringed and is still infringing every element of claim 11 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

483. All of these products include labels indicating that they were manufactured outside the U.S.

484. On information and belief, JCPenney imported all of these products into the U.S.

485. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

486. On information and belief, the manufacturers of all of these products controlled the effective applied power level by controlling the duty cycle of the laser thereby controlling an effect of the amount of power delivered by the laser in a pulsed manner.

487. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 11 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

488. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XXXVI: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 12**

489. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 480 through 488 of this Complaint as though set forth fully here.

490. Claim 12 of the '972 Patent provides:

Claim 12	A method as in claim 11 wherein said control of duty cycle comprises turning a laser on and off at specified rate.
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491. JCPenney has infringed and is still infringing every element of claim 12 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in



the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

492. All of these products include labels indicating that they were manufactured outside the U.S.

493. On information and belief, JCPenney imported all of these products into the U.S.

494. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

495. The duty cycle comprises turning a laser on and off at specified rate.

496. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 12 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

497. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XXXVII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 16**

498. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 432 through 443 of this Complaint as though set forth fully here.

499. Claim 16 of the '972 Patent provides:

Claim 16	A method as in claim 1 wherein said change of effective applied power levels comprises changing an output size of a laser beam that is output from the laser.
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500. JCPenney has infringed and is still infringing every element of claim 16 of the '972 Patent by importing into the United States or offering for sale, selling and/or using

garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

501. All of these products include labels indicating that they were manufactured outside the U.S.

502. On information and belief, JCPenney imported all of these products into the U.S.

503. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

504. On information and belief, the manufacturers of all of these products operated the laser to change the effective applied power levels by changing the output size of the laser beam that is output from the laser.

505. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 16 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

506. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XXXVIII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 17**

507. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 432 through 443 of this Complaint as though set forth fully here.

508. Claim 17 of the '972 Patent provides:

Claim 17	A method as in claim 1 further comprising feathering an edge of the pattern by changing a power level of the image at said edge to form a more gradual change of effect at said edge.
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509. JCPenney has infringed and is still infringing every element of claim 17 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

510. All of these products include labels indicating that they were manufactured outside the U.S.

511. On information and belief, JCPenney imported all of these products into the U.S.

512. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

513. On information and belief, the manufacturers of all of these products feathered an edge of the pattern (e.g., “worn” look) by changing a power level of the image at the edge to form a more gradual change of effect at the edge.

514. JCPenney has knowledge of the ’972 Patent and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products infringes claim 17 of the ’972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

515. As a direct and proximate result of JCPenney’s direct infringement of the ’972 Patent, RevoLaze is suffering harm.

**COUNT XXXIX: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 18**

516. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 432 through 443 of this Complaint as though set forth fully here.

517. Claim 18 of the ’972 Patent provides:

Claim 18	A method as in claim 1, wherein said information is in a specified format, which includes an indication of an area and an indication of an effective applied power level to be applied to said area.
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518. JCPenney has infringed and is still infringing every element of claim 18 of the ’972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in

the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

519. All of these products include labels indicating that they were manufactured outside the U.S.

520. On information and belief, JCPenney imported all of these products into the U.S.

521. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

522. On information and belief, the manufacturers of all of these products operated a laser to store information in a specified format that includes an indication of an area and an indication of an effective applied power level to be applied to the area thereby defining the design or pattern to be produced such as a “worn” look.

523. JCPenney has knowledge of the ’972 Patent and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products infringes claim 18 of the ’972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

524. As a direct and proximate result of JCPenney’s direct infringement of the ’972 Patent, RevoLaze is suffering harm.

**COUNT XL: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 56**

525. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

526. Claim 56 of the ’972 Patent provides:

Preamble of Claim 56	A method, comprising:
Element A	defining a desired pattern of color alterations to be formed to a garment by selecting a plurality of areas on a display, defining a color that is associated with each of a plurality of abrasion levels, selecting a color to associate with each of the plurality of areas to thereby associate a level of abrasion with each of the plurality of areas; and
Element B	storing a computer file indicative of said selecting.

527. JCPenney has infringed and is still infringing every element of claim 56 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

528. All of these products include labels indicating that they were manufactured outside the U.S.

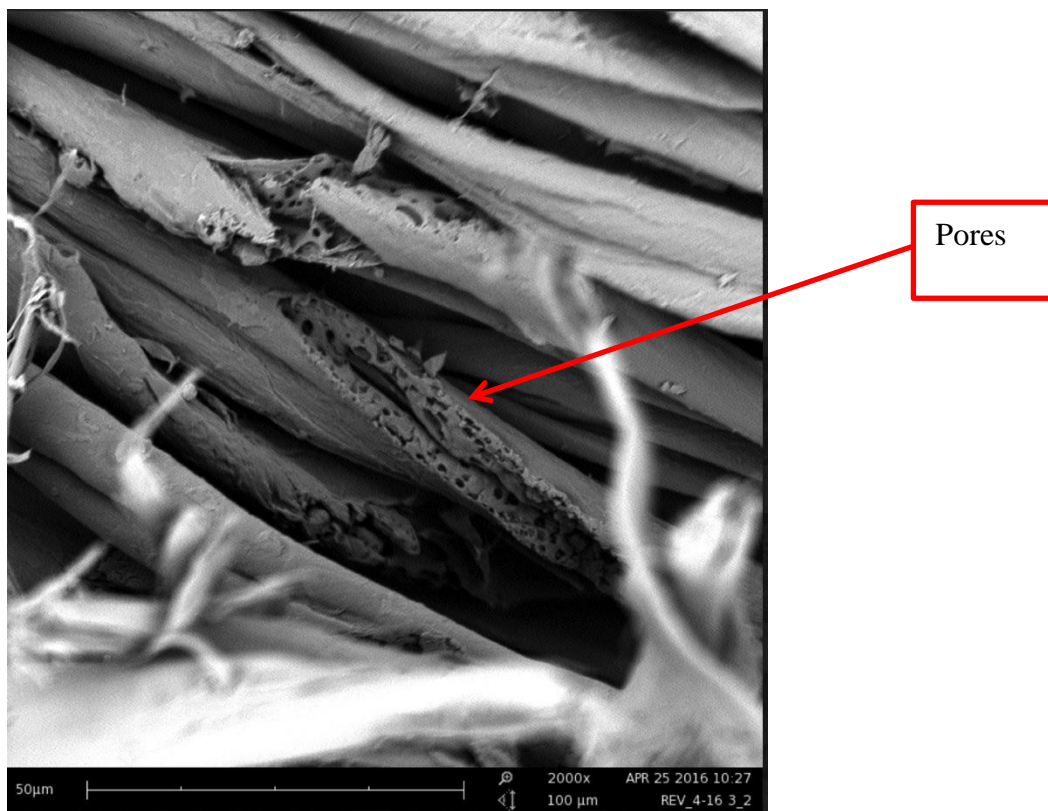
529. On information and belief, JCPenney imported all of these products into the U.S.

530. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

531. Analysis of all of these products using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garments. For example, a SEM image of fibers in the Arizona Basic Flex Skinny

Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405

(Made in Mexico) product shows these pores:



532. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

533. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



534. On information and belief, the manufacturers of all of these products defined a desired pattern of color alterations to be formed to the garment by selecting a plurality of areas on a display, defining a color that is associated with each of a plurality of abrasion levels, and selecting a color to associate with each of the plurality of areas to thereby associate a level of abrasion with each of the plurality of areas.

535. In addition, on information and belief, the manufacturers of all of these products stored a computer file indicative of the selections.

536. JCPenney has knowledge of the '602 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 56 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

537. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.



**COUNT XLI: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 57**

538. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 526 through 537 of this Complaint as though set forth fully here.

539. Claim 57 of the '972 Patent provides:

Claim 57	A method as in claim 56 further comprising enabling said display to be edited, to change color and or shape.
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540. JCPenney has infringed and is still infringing every element of claim 57 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

541. All of these products include labels indicating that they were manufactured outside the U.S.

542. On information and belief, JCPenney imported all of these products into the U.S.

543. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

544. On information and belief, the manufacturers of all of these products enabled the display to be edited to change color and/or shape.

545. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 57 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

546. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XLII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 58**

547. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 538 through 546 of this Complaint as though set forth fully here.

548. Claim 58 of the '972 Patent provides:

Claim 58	A method as in claim 57 wherein said computer file specifies information for use in forming control data for a laser to scribe lines on a desired garment, wherein at least a plurality of said lines specify an energy density per unit time which changes within a single scan line.
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549. JCPenney has infringed and is still infringing every element of claim 58 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

550. All of these products include labels indicating that they were manufactured outside the U.S.

551. On information and belief, JCPenney imported all of these products into the U.S.

552. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

553. The computer file specifies information that is used in forming control data for the laser to scribe lines on a desired garment, wherein at least a plurality of the lines specify an energy density per unit time that changes within a single scan line.

554. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 58 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

555. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XLIII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 59**

556. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 547 through 555 of this Complaint as though set forth fully here.

557. Claim 59 of the '972 Patent provides:

Claim 59	A method as in claim 58 wherein at least a plurality of lines have an energy density per unit time which has at least three values within the specified line.
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558. JCPenney has infringed and is still infringing every element of claim 59 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

559. All of these products include labels indicating that they were manufactured outside the U.S.

560. On information and belief, JCPenney imported all of these products into the U.S.

561. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

562. A plurality of lines have an energy density per unit time that has at least three values within the specified line.

563. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 59 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

564. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XLIV: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 61**

565. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 538 through 546 of this Complaint as though set forth fully here.

566. Claim 61 of the '972 Patent provides:

Claim 61	A method as in claim 57 wherein said editing comprises applying an abrasion using a spray tool.
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567. JCPenney has infringed and is still infringing every element of claim 61 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

568. All of these products include labels indicating that they were manufactured outside the U.S.

569. On information and belief, JCPenney imported all of these products into the U.S.

570. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

571. On information and belief, the manufacturers of all of these products edit the pattern by applying an abrasion using a spray tool.

572. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 61 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

573. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XLV: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 63**

574. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 526 through 537 of this Complaint as though set forth fully here.

575. Claim 63 of the '972 Patent provides:

Claim 63	A method as in claim 56 further comprising storing, in a memory, a relationship between each color and an amount of effective applied energy representing the color.
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576. JCPenney has infringed and is still infringing every element of claim 63 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

577. All of these products include labels indicating that they were manufactured outside the U.S.

578. On information and belief, JCPenney imported all of these products into the U.S.

579. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

580. On information and belief, the manufacturers of all of these products store, in a memory, a relationship between each color and an amount of effective applied energy representing the color.

581. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 63 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

582. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XLVI: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 64**

583. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 538 through 546 of this Complaint as though set forth fully here.

584. Claim 64 of the '972 Patent provides:

Claim 64	A method as in claim 57 further comprising using a laser and controlling the laser to control an effective applied power applied to an area by controlling a duty cycle of the laser.
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585. JCPenney has infringed and is still infringing every element of claim 64 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in

Mexico), Arizona Med Jegging - Style RPCHNO10020 - 8999-A - 19963-8 - 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

586. All of these products include labels indicating that they were manufactured outside the U.S.

587. On information and belief, JCPenney imported all of these products into the U.S.

588. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

589. On information and belief, the manufacturers of all of these products used a laser and controlled the laser to control an effective applied power applied to an area by controlling the duty cycle of the laser.

590. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 64 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

591. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XLVII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 72**

592. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.



593. Claim 72 of the '972 Patent provides:

Preamble of Claim 72	A method of processing a garment, comprising:
Element A	obtaining a first garment which has a desired look to be replicated;
Element B	determining color levels of different areas of a plurality of different areas of said first garment;
Element C	determining, from said color levels, an amount of effective applied energy of laser energy which will need to be applied to said each of said area to replicate said color level; and
Element D	forming a computer file which has a plurality of area representations, each area representation associated with a power representation representing said amount of laser power which needs to be applied to each of said areas to replicate said different areas of said first garment.

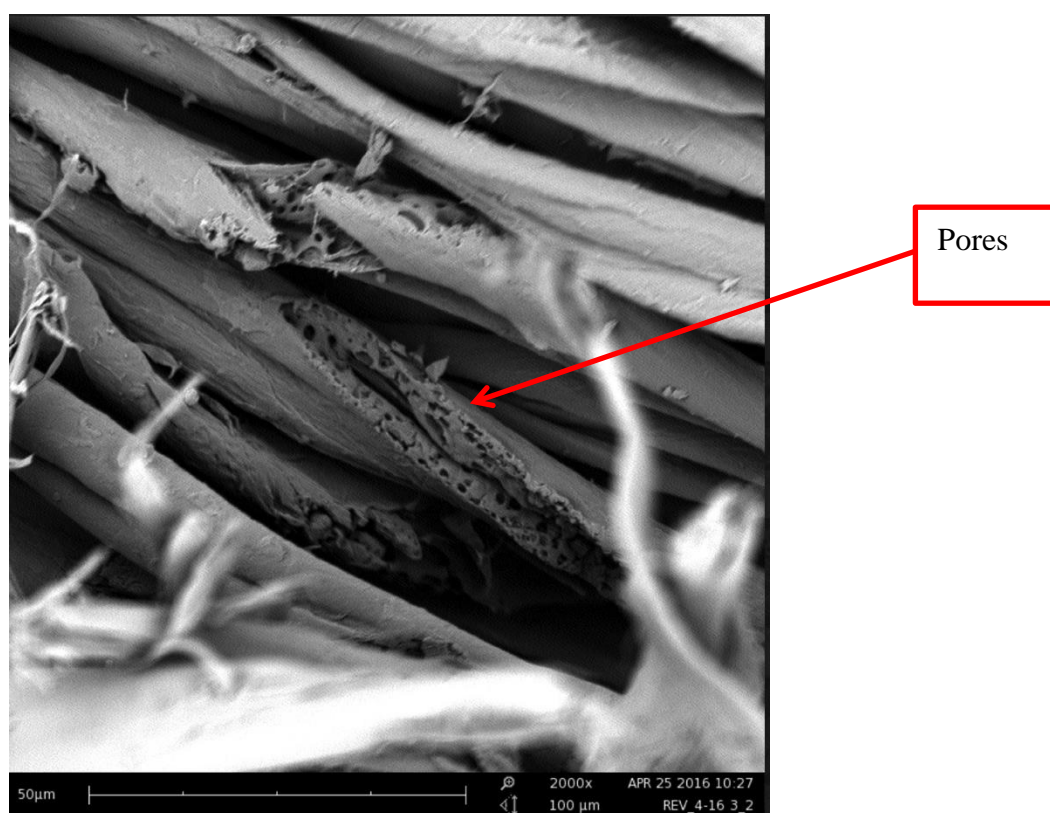
594. JCPenney has infringed and is still infringing every element of claim 72 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

595. All of these products include labels indicating that they were manufactured outside the U.S.

596. On information and belief, JCPenney imported all of these products into the U.S.

597. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

598. Analysis of all three exemplary products using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garments. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



599. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

600. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



601. On information and belief, the manufacturers of all of these products obtained a first garment that had a desired look to be replicated (e.g., the “worn” look).

602. On information and belief, the manufacturers of all of these products determined color levels of different areas of a plurality of different areas of the garment.

603. On information and belief, the manufacturers of all of these products determined, from the color levels, an amount of effective applied energy of laser energy that had to be applied to each of the areas to replicate the desired color level (e.g., to create the “worn” look).

604. On information and belief, the manufacturers of all of these products formed a computer file that had a plurality of area representations, where each area representation associated with a power representation represented the amount of laser power that needed to be applied to each of the areas to replicate the different areas of the first garment that had the desired look to be replicated.

605. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 72

of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

606. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XLVIII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 77**

607. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 593 through 606 of this Complaint as though set forth fully here.

608. Claim 77 of the '972 Patent provides:

Claim 77	A method as in claim 72 further comprising displaying a graphical image indicative of said computer file to a user and allowing said user to edit said graphical image to thereby edit said computer file.
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609. JCPenney has infringed and is still infringing every element of claim 77 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

610. All of these products include labels indicating that they were manufactured outside the U.S.

611. On information and belief, JCPenney imported all of these products into the U.S.

612. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

613. On information and belief, the manufacturers of all of these products displayed a graphical image indicative of the computer file on the laser system and allowed the user to edit the graphical image to thereby edit the computer file.

614. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 77 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

615. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT XLIX: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 78**

616. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

617. Claim 78 of the '972 Patent provides:

Preamble of Claim 78	A method comprising:
Element A	defining a pattern to be formed on a textile material, which pattern represents different degrees of abrasion of said textile material at different locations, and which represents at least first areas which have no abrasion, and producing a computer readable file indicative of said pattern; and
Element B	controlling a laser to form said pattern by first controlling said laser according to said file to produce an effective output power in said first areas which is greater than zero, but is less than a threshold beyond which a visible change will be made to said textile material, and to increase the effective output power at a boundary between said first areas, and other areas outside said first areas.

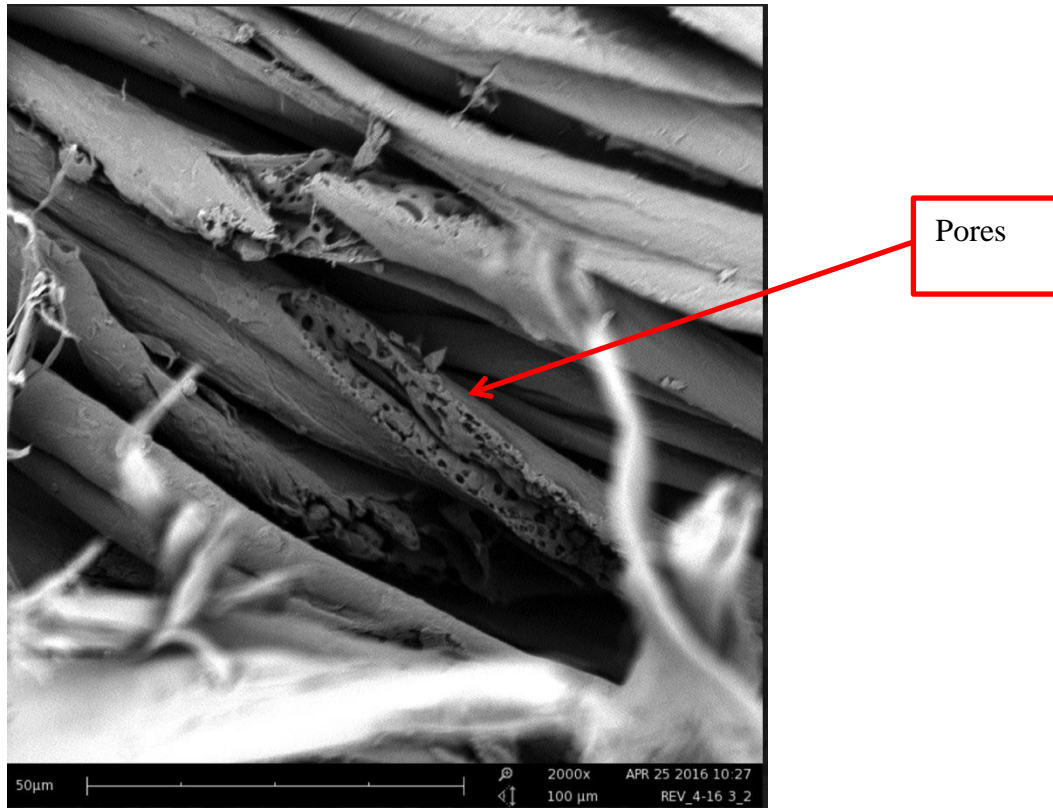
618. JCPenney has infringed and is still infringing every element of claim 78 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

619. All of these products include labels indicating that they were manufactured outside the U.S.

620. On information and belief, JCPenney imported all of these products into the U.S.

621. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

622. Analysis of all three exemplary products using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garments. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



623. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

624. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:





625. On information and belief, the manufacturers of all of these products defined a pattern (e.g., the “worn” look) to be formed on a denim fabric textile material, wherein the pattern represents different degrees of abrasion of the denim fabric textile material at different locations and represents at least first areas that have no abrasion, and produced a computer readable file indicative of the pattern.

626. On information and belief, the manufacturers of all of these products controlled a laser to form the pattern (e.g., the “worn” look) by first controlling the laser according to the file to produce an effective output power in the first areas that was greater than zero, but was less than a threshold beyond which a visible change would be made to the denim fabric textile material, and to increase the effective output power at a boundary between the first areas, and other areas outside the first areas.

627. JCPenney has knowledge of the ’972 Patent and RevoLaze’s allegations of how JCPenney’s importation, sale, offer for sale, and/or use of products infringes claim 78 of the ’972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.



628. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT L: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 83**

629. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

630. Claim 83 of the '972 Patent provides:

Preamble of Claim 83	A method comprising:
Element A	defining a pattern to be formed on a textile material, which pattern has different colors representing different degrees of change of said textile material at different locations, said different degrees of change including at least a plurality of different levels of change, each different level of change associated with an effective applied energy to be applied to said location;
Element B	defining a tool which allows a spray of incremental intensity onto the pattern, by defining a droplet size and trajectory, determining a location that is hit by a droplet;
Element C	adjusting a color level of said location based on said hit so that said effective applied energy is adjusted by said hitting.

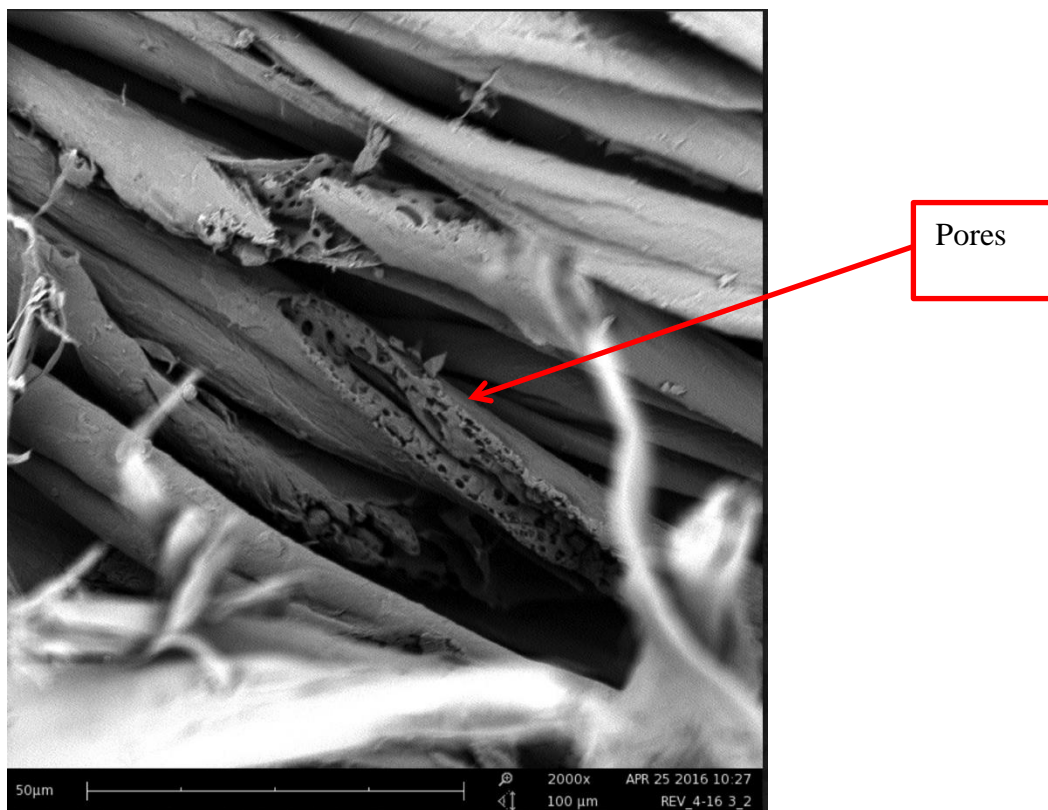
631. JCPenney has infringed and is still infringing every element of claim 83 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

632. All of these products include labels indicating that they were manufactured outside the U.S.

633. On information and belief, JCPenney imported all of these products into the U.S.

634. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

635. Analysis of all three exemplary products using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garments. For example, a SEM image of fibers in the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



636. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

637. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



638. On information and belief, the manufacturers of all of these products defined a pattern (e.g., the “worn” look) to be formed on a denim fabric textile material, where the pattern has different colors representing different degrees of change of the denim fabric textile material at different locations and the different degrees of change included at least a plurality of different levels of change, where each different level of change was associated with an effective applied energy to be applied to the location.

639. On information and belief, the manufacturers of all of these products defined a tool that allowed a spray of incremental intensity onto the pattern, by defining a droplet size and trajectory, determining a location that is hit by a droplet.

640. On information and belief, the manufacturers of all of these products adjusted a color level of the location based on the hit so that the effective applied energy was adjusted by the hitting.

641. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 83 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

642. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT LI: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 84**

643. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 630 through 642 of this Complaint as though set forth fully here.

644. Claim 84 of the '972 Patent provides:

Claim 84	A method as in claim 83, wherein said colors are one of full colors or gray scales.
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645. JCPenney has infringed and is still infringing every element of claim 84 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in

the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

646. All of these products include labels indicating that they were manufactured outside the U.S.

647. On information and belief, JCPenney imported all of these products into the U.S.

648. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

649. On information and belief, the manufacturers of all of these products defined patterns with colors that were either full colors or gray scales.

650. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 84 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

651. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT LII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 85**

652. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 630 through 642 of this Complaint as though set forth fully here.

653. Claim 85 of the '972 Patent provides:

Claim 85	A method as in claim 83, wherein said locations are pixels.
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654. JCPenney has infringed and is still infringing every element of claim 85 of the '972 Patent by importing into the United States or offering for sale, selling and/or using

garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

655. All of these products include labels indicating that they were manufactured outside the U.S.

656. On information and belief, JCPenney imported all of these products into the U.S.

657. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

658. On information and belief, the manufacturers of all of these products defined patterns with locations that are pixels.

659. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 85 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

660. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT LIII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 86**

661. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 630 through 642 of this Complaint as though set forth fully here.

662. Claim 86 of the '972 Patent provides:

Claim 86	A method as in claim 83, wherein said adjusting comprises incrementing a color level of said location to a next higher color level.
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663. JCPenney has infringed and is still infringing every element of claim 86 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

664. All of these products include labels indicating that they were manufactured outside the U.S.

665. On information and belief, JCPenney imported all of these products into the U.S.

666. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

667. On information and belief, the manufacturers of all of these products adjusted a color level of a location by incrementing a color level of the location to a next higher color level.

668. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 86 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

669. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT LIV: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 87**

670. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 630 through 642 of this Complaint as though set forth fully here.

671. Claim 87 of the '972 Patent provides:

Claim 87	A method as in claim 83, wherein said effective applied energy is one of an energy density per unit time, a duty cycle of an output of a laser, a speed of movement of a laser, a distance of a laser or a number of passes of a laser.
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672. JCPenney has infringed and is still infringing every element of claim 87 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).



673. All of these products include labels indicating that they were manufactured outside the U.S.

674. On information and belief, JCPenney imported all of these products into the U.S.

675. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

676. On information and belief, the manufacturers of all of these products defined patterns where the effective applied energy is one of an energy density per unit time, a duty cycle of an output of a laser, a speed of movement of a laser, a distance of a laser, or a number of passes of a laser.

677. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 87 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

678. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT LV: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 92**

679. RevoLaze reasserts and realleges paragraphs 1 through 91 of this Complaint as though set forth fully here.

680. Claim 92 of the '972 Patent provides:

Preamble of Claim 92	A method comprising:
Element A	authoring a special image intended for use in changing the color of textile fabric, which has differently colored areas representing different levels of change of color to said textile fabric; and
Element B	using said image to form a file that controls a laser to carry out said changing of color of said textile fabric.

681. JCPenney has infringed and is still infringing every element of claim 92 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

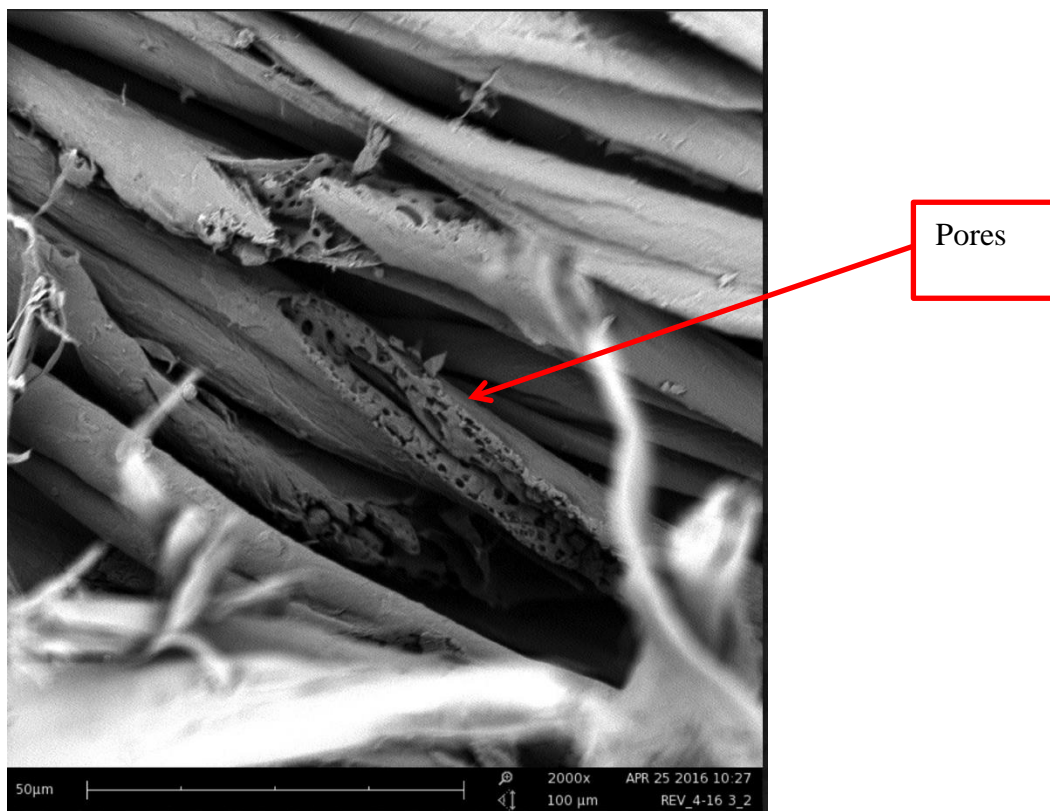
682. All of these products include labels indicating that they were manufactured outside the U.S.

683. On information and belief, JCPenney imported all of these products into the U.S.

684. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

685. Analysis of all three exemplary products using a scanning electron microscope (“SEM”) revealed the presence of CO<sub>2</sub> laser pores in the denim fiber in the “worn” areas of the garments. For example, a SEM image of fibers in the Arizona Basic

Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product shows these pores:



686. The presence of such laser pores indicates that the garments were treated with lasers to achieve that “worn” appearance.

687. For example, the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico) product features the following “worn” appearance:



688. On information and belief, the manufacturers of all of these products authored a special image intended for use in changing the color of the denim textile fabric, where the image had differently colored areas representing different levels of change of color (e.g., to create a “worn” look) to apply to the denim textile fabric.

689. On information and belief, the manufacturers of all of these products used the image to form a file that controlled a laser to carry out the changing of color of the denim textile fabric (e.g., to have the “worn” look).

690. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 92 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

691. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT LVI: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 93**

692. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 680 through 691 of this Complaint as though set forth fully here.

693. Claim 93 of the '972 Patent provides:

Claim 93	A method as in claim 92, wherein said file includes levels of effective applied energy associated with said levels of change of color.
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694. JCPenney has infringed and is still infringing every element of claim 93 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

695. All of these products include labels indicating that they were manufactured outside the U.S.

696. On information and belief, JCPenney imported all of these products into the U.S.

697. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

698. On information and belief, the manufactures of all of these products created a file that includes levels of effective applied energy associated with the levels of change of color.

699. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 93 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

700. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT LVII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 94**

701. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 692 through 700 of this Complaint as though set forth fully here.

702. Claim 94 of the '972 Patent provides:

Claim 94	A method as in claim 93, wherein said effective applied energy is one of an energy density per unit time, power level of a laser, a duty cycle of an output of a laser, a speed of movement of a laser, or a distance of a laser.
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703. JCPenney has infringed and is still infringing every element of claim 94 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in

the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

704. All of these products include labels indicating that they were manufactured outside the U.S.

705. On information and belief, JCPenney imported all of these products into the U.S.

706. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

707. On information and belief, the manufacturers of all of these products created a file that includes levels of effective applied energy where effective applied energy is one of an energy density per unit time, power level of a laser, a duty cycle of an output of a laser, a speed of movement of a laser, or a distance of a laser.

708. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 94 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.

709. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

**COUNT LVIII: INFRINGEMENT OF PAT. NO. 6,819,972 CLAIM 95**

710. RevoLaze reasserts and realleges paragraphs 1 through 91 and paragraphs 680 through 691 of this Complaint as though set forth fully here.

711. Claim 95 of the '972 Patent provides:

Claim 95	A method as in claim 92, wherein said file includes a separate effective applied energy value for each pixel of the image.
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712. JCPenney has infringed and is still infringing every element of claim 95 of the '972 Patent by importing into the United States or offering for sale, selling and/or using garments, including, but not limited to, at least the Arizona Basic Flex Skinny Jeans – Style EPJCDR07744556 – RN# 58287 – PF-1542 - 106737 – 523/4566/015405 (Made in Mexico), Arizona Med Jegging - Style RPCHNO10020 – 8999-A – 19963-8 – 664/2041/010306 (Made in Bangladesh), and Arizona Flex Skinny Extra Slim Fit / Skinny Leg - RN # 58287 - 8971-B - 02795-3 - 523/0120/013607 (Made in Mexico) products, in the U.S. that were manufactured by the patented method, thereby violating 35 U.S.C. § 271(g).

713. All of these products include labels indicating that they were manufactured outside the U.S.

714. On information and belief, JCPenney imported all of these products into the U.S.

715. In addition, JCPenney offered all of these products for sale in the U.S. and sold all of these products in the U.S.

716. On information and belief, the manufacturers of all of these products created a file that includes a separate effective applied energy value for each pixel of the image.

717. JCPenney has knowledge of the '972 Patent and RevoLaze's allegations of how JCPenney's importation, sale, offer for sale, and/or use of products infringes claim 95 of the '972 Patent since at least June 13, 2016, and JCPenney knowingly continues to engage in that activity.



718. As a direct and proximate result of JCPenney's direct infringement of the '972 Patent, RevoLaze is suffering harm.

### **WILLFUL INFRINGEMENT**

719. JCPenney has infringed and continues to infringe the above identified claims of each of the Patents-in-Suit despite its knowledge of the Patents-in-Suit knowledge of how its products are manufactured by processes/methods that infringe the Patents-in-Suit since at least June 13, 2016, and the objectively high likelihood that its actions constitute patent infringement.

720. JCPenney's infringement of the Patents-in-Suit is willful and deliberate, entitling RevoLaze to enhanced damages under 35 U.S.C. §284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. §285.

### **JURY DEMAND**

RevoLaze demands a trial by jury on all issues that may be so tried.

### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiff RevoLaze requests that this Court enter judgment in its favor and against Defendants J. C. Penney Company, Inc., J. C. Penney Corporation, Inc., and J. C. Penney Purchasing Corporation as follows:

- A. Adjudging, finding, and declaring that JCPenney has infringed the above-identified claims of each of the Patents-in-Suit under 35 U.S.C. § 271;
- B. Awarding the past and future damages arising out of JCPenney's infringement of the Patents-in-Suit to RevoLaze in an amount no less than a reasonable royalty, together with prejudgment and post-judgment interest, in an amount according to proof;

- C. Adjudging, finding, and declaring that JCPenney's infringement is willful and awarding enhanced damages and fees as a result of that willfulness under 35 U.S.C. § 284;
- D. Adjudging, finding, and declaring that the Patents-in-Suit are valid and enforceable;
- E. Awarding attorney's fees, costs, or other damages pursuant to 35 U.S.C. §§ 284 or 285 or as otherwise permitted by law; and
- F. Granting RevoLaze such other further relief as is just and proper, or as the Court deems appropriate.

Dated: July 30, 2019

Respectfully submitted,

/s/ Alexander Debski

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 30, 2019, the foregoing was electronically filed with the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Melissa R. Smith  
Melissa R. Smith